

# Frederick County Division of Planning and Permitting Staff Report

## Water and Sewer Plan Amendments Spring 2021 Cycle

### **ISSUE**

The Planning Commission is requested to review the individual amendment requests for a finding of consistency with the Livable Frederick Master Plan or a municipal comprehensive plan.

### **REQUESTS**

WS 21-12: Division of Planning and Permitting (Payne Investments, LLC)  
WS 21-13: Division of Planning and Permitting (75-80 Properties, LLC)  
WS 21-14: Division of Planning and Permitting (Monrovia Investments, LLC)  
WS 21-15: Division of Planning and Permitting (75-80 Properties, LLC)  
WS 21-16: Division of Planning and Permitting (75-80 Properties, LLC)  
WS 21-17: Division of Planning and Permitting/Village of Rosemont  
WS 21-18: Town of Middletown  
WS 21-19: Oakdale Investments, LLC (Hamptons East, Lake Linganore)  
WS 21-21: Oakdale Investments, LLC (Westride, Lake Linganore)  
WS 21-22: Division of Planning and Permitting (Edgewood Church Industries, LLC)  
WS 21-23: Division of Planning and Permitting (State Highway Administration)

### **BACKGROUND**

The purpose of the Planning Commission's review is to determine whether each amendment request is consistent with the Livable Frederick Master Plan or the appropriate municipal comprehensive plan.

The Land Use Article of the Annotated Code of Maryland provides general requirements with regard to a finding of consistency with a comprehensive plan. Section 1-303 *Consistency – General Requirement* of the Land Use Article further defines consistency with a comprehensive plan to mean “an action taken that will further, and not be contrary, to the following items in the plan:”

- 1) Policies;
- 2) Timing of the implementation of the plan;
- 3) Timing of development;
- 4) Timing of rezoning;
- 5) Development patterns;
- 6) Land uses; and
- 7) Densities or intensities.

Furthermore, the Maryland Department of Planning also provides the following guidance on determining consistency with a comprehensive plan:

*“...land use regulations and decisions should agree with, and implement what the Plan recommends and advocates. A consistent regulation or decision may show clear support for the Plan. It may also be neutral but it should never undermine the Plan.”*

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the County Council in their review. If the Planning Commission finds a request to be inconsistent with the comprehensive plan, then the request is not forwarded to the County Council for review and public hearing.

### **RECOMMENDATION**

Staff recommendations are noted in the individual case descriptions.

## **IV. COUNTY WATER AND SEWERAGE PLAN CLASSIFICATION SYSTEM**

### **A. General**

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities, and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated, rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

### **B. Water and Sewerage Plan Classifications**

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev.". A "Dev." designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g., 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

#### **NPS – No Planned Service**

A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the County Comprehensive Plan.

#### **PS – Planned Service**

A classification assigned during the Comprehensive Planning Process to an area or property shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within a Community Growth Boundary of a community to be served by public water and sewer in the County Comprehensive Plan, within the 11-20 year time frame. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan. This classification may also be assigned through the piecemeal application process by a staff-initiated application with regard to location of infrastructure generally or reclassification of properties to implement the Comprehensive Plan, or if the property no longer meets the requirements of its current classification.

### **S-5/W-5 – Mid-Range Plan Phase**

A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to connect to the community system. Except as provided below, properties requesting this classification shall meet the following criteria:

- a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
- b. Have zoning other than Agricultural or Resource Conservation.
- c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
- d. Be located within a Community Growth Area as shown on the Frederick County Comprehensive Plan.
- e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

In addition, this classification may be assigned through the piecemeal application process to property:

- 1) Annexed into a municipal corporation, if the property is located within a municipal growth area and described in an adopted Municipal Growth Element (MGE); or
- 2) Granted a Planned Unit Development (PUD) or Mixed-Use Development (MXD) or Open Space Recreation (OSR), or Institutional (I) floating zone classification; or
- 3) Zoned Agricultural, if all the criteria set forth in Section II (E)(8) or, if applicable, Section II (E) (7) are satisfied; or
- 4) To provide public water and/or sewer service to Public Service Facilities, if the applicable criteria in Section II (E) (8) are satisfied.

### **S-4/W-4 – Concept Evaluation Phase**

A classification assigned through the piecemeal application process to properties designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. The criteria required for the S-5/W-5 classification have been complied with.
- b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones

to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5) (E)). All concept plans shall distinguish between County planned and developer provided facilities, and be complete and accurate as determined by the Division of Utilities and Solid Waste Management (DUSWM).

- c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner/applicant must identify and propose needed improvements (as determined by the DUSWM) to provide adequate capacity.
- d. After an S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

### **S-3/W-3 – Preliminary Design Phase**

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their “3” classification and revert to the “4” classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

- a. Criteria required for the S-4/W-4 classification have been complied with.
- b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the *Adequate Public Facilities Ordinance* (APFO) studies.
- c. A preliminary subdivision plan, site plan, Phase II Plan (in the case of PUDs and MXDs or other floating zoning districts), or equivalent plan in a municipality has been approved by the Planning Commission.
- d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
- e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.
- f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.
- g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an

approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This “service to the site” requirement is considered “met” if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.

- h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

### **S-2/W-2 – Engineering Phase**

This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

- a. All criteria required for the S-3/W-3 classification have been complied with.
- b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.
- c. Location of facilities, i.e., tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.
- d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.<sup>1</sup>

### **S-1/W-1 – Existing Service**

A classification assigned to properties where publicly-owned community sewer or water systems or private community systems are existing and are connected to and serving a structure(s) on the property. Properties are assigned this classification by County staff to reflect projects recently completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

### **Multi-Use Water System**

A classification assigned during the piecemeal application process to a single parcel or lot or institution serving a number of individuals, with the capacity to provide in excess of 5,000 GPD utilizing a source of ground or surface water. The Multi-Use Water system includes the piping, pumps, tanks, or other facilities utilizing a source of ground or surface water.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Water system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Water systems will be identified in the Plan text in Chapter 3 and on the Water Plan Map.

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1 See Sec. 1-16-106 of the County Code for additional requirements.

### **Multi-Use Sewerage System**

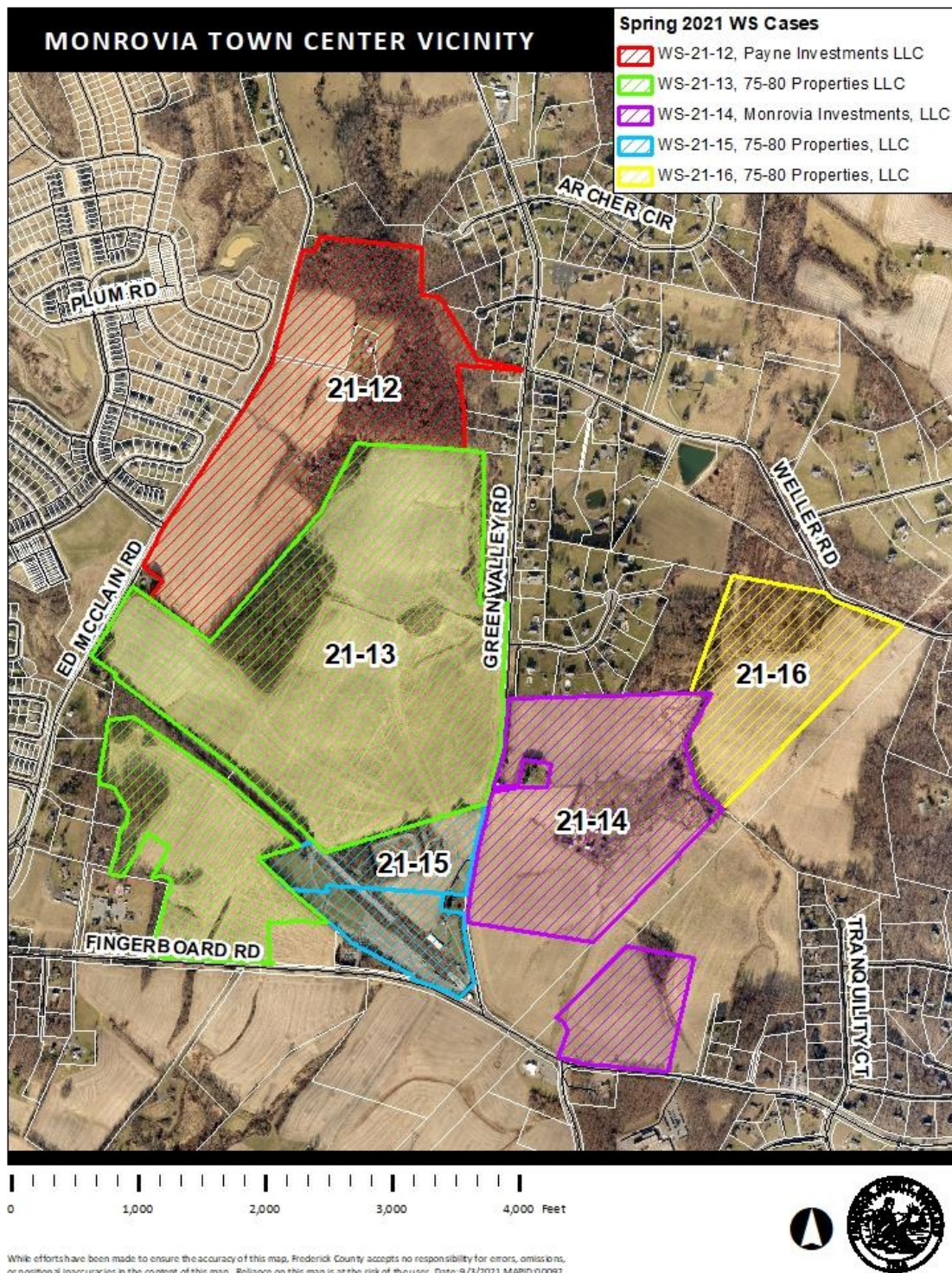
A classification assigned during the piecemeal application process to a single parcel or lot or institution with a treatment discharge capacity in excess of 5,000 GPD. A Multi-Use Sewerage system involves the collection and discharge of sewage or industrial wastes of a liquid nature and various devices for the storage, pumping, and treatment of such wastes.

Applications to amend the Water and Sewerage Plan to obtain approval to use a Multi-Use Sewerage system on a specific property will be accepted and processed in the same manner as requests for water and sewer category changes. Properties approved to use Multi-Use Sewerage systems will be identified in the Plan text in Chapter 4 and on the Sewer Plan Map.

Applications for Multi-Use Sewerage Systems that propose to utilize a surface application and/or underground drain field system shall include, but not be limited to the following:

1. Analysis of groundwater mounding impacts of the system.
2. Nitrogen balance analysis to show that nitrogen concentrations at a property line or at any watercourse on the property do not exceed 10 mg/l.
3. Identify a suitable replacement area for the discharge/drain field.
4. Determination of treatment system requirements and discharge methods.







WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-12**

**APPLICANT:** Division of Planning and Permitting (Payne Investments, LLC)

**REQUEST:** To reclassify 82.9 acres from W-3, S-3 to Planned Service (PS) Water and Sewer

**LOCATION:** East side of Ed McClain Road, west of MD 75, Green Valley Road  
(Tax Map 88, Parcel 22. Property ID#09-254145)

Livable Frederick Master Plan — Low Density Residential

Zoning — Agricultural

Development Status

The property is one of several parcels collectively known as Monrovia Town Center, which was rezoned Planned Unit Development (PUD) by Ordinance No. 14-04-659, effective April 23, 2014. On the same date, the developers/owners entered into a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) with the County. Monrovia Town Center received Preliminary Subdivision Plan and Site Development Plan approval from the Planning Commission for development of 1,250 residential units and a commercial component in November 2014.

A citizen's group called Residents Against Landsdale Expansion (RALE), along with certain County residents, filed a timely petition with the Frederick County Circuit Court for judicial review of all three of these decisions (PUD rezoning, DRRA, and APFO). The Circuit Court remanded the case back to the County Council by an Order dated March 10, 2015. The Council held public hearings and determined that the developers would need to start the rezoning process over at the Planning Commission level.

The Developers refused to start over, and the Council sent the case back to the Circuit Court, requesting that the Court void the rezoning ordinance, the DRRA, and the APFO LOU. The Court issued an order on September 29, 2017 that vacated all of these.

The Developers filed an appeal with the Maryland Court of Special Appeals. That Court upheld the decision of the Circuit Court. The Developers filed an appeal to the Court of Appeals (Maryland's highest appeals court). The Court of Appeals also upheld the decisions of the courts below.

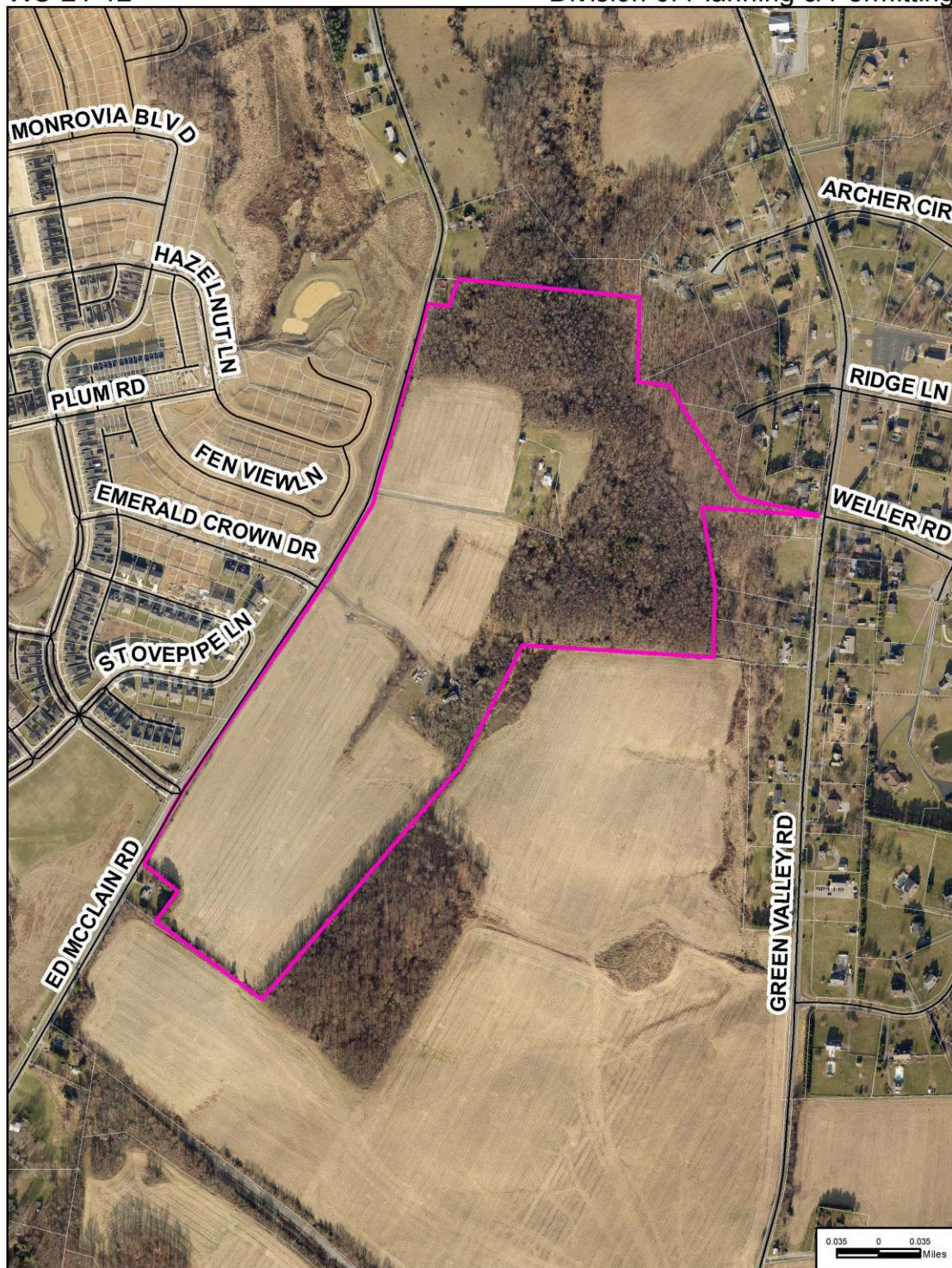
Therefore, by the Court of Appeals decision dated August 24, 2020, and published at 470 Md. 598, all appeals have been exhausted. The property currently has Agricultural zoning, no DRRA, and no APFO LOU. The property's Preliminary Subdivision Plan and Site Development Plan are no longer valid.

#### Water & Sewerage Plan Status

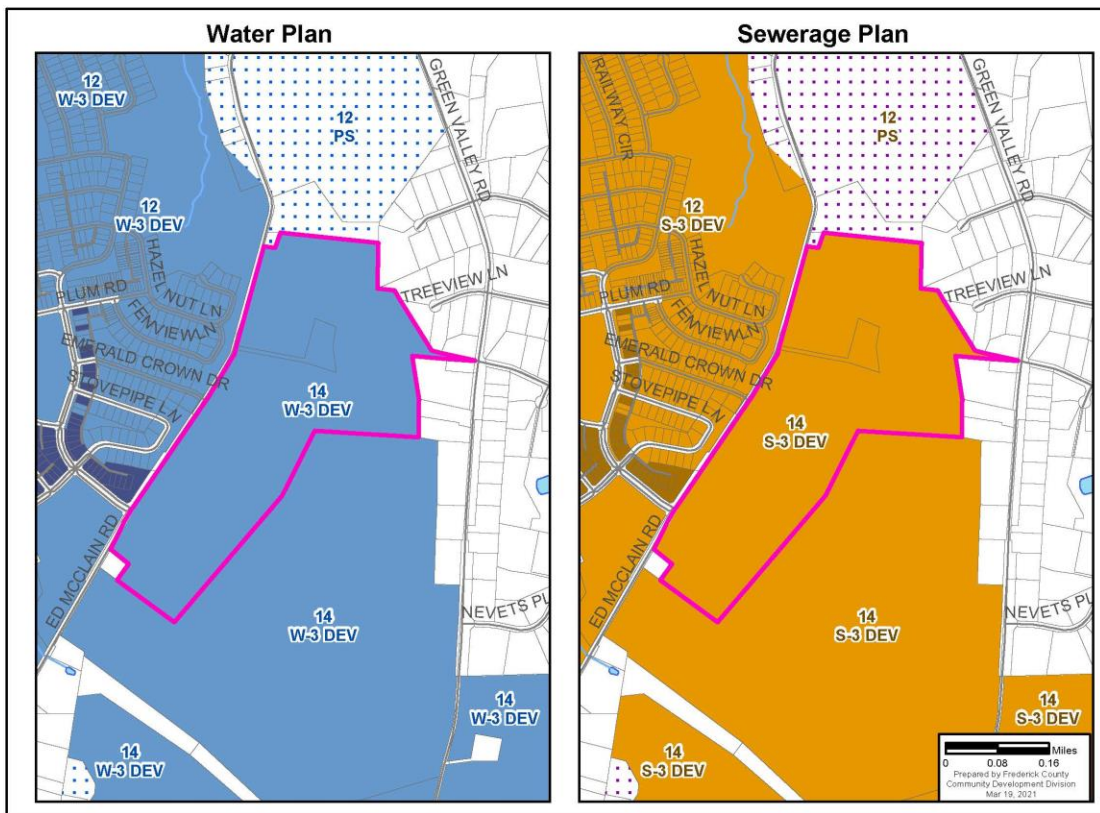
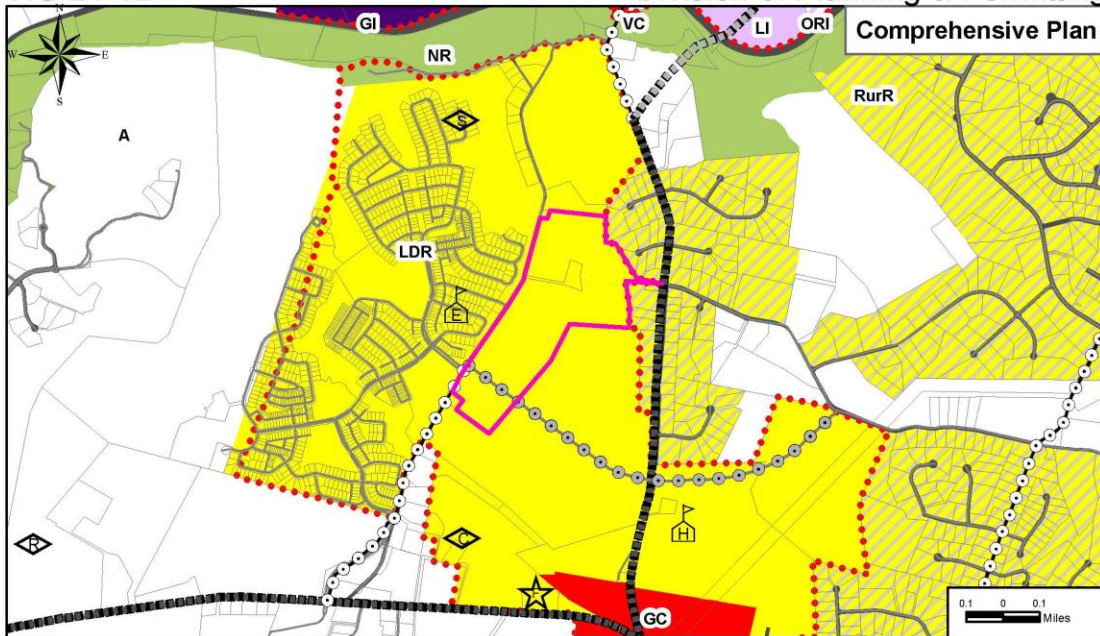
Prior Water and Sewerage Plan Amendments (WS 13-22 and WS 14-11) for the subject property were approved by the County and the Maryland Department of the Environment.

#### **STAFF RECOMMENDATION:**

Although the property is located within the Monrovia Community Growth Area, its Agricultural zoning and Low Density Residential Comprehensive Plan designation warrant reclassification to the proper Planned Service (water and sewer) category as defined in the Water and Sewage Plan. The property is no longer eligible for classification as W-3/Dev., S-3/Dev. in the Water and Sewerage Plan. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.







WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-13**

**APPLICANT:** Division of Planning and Permitting (75-80 Properties, LLC)

**REQUEST:** To reclassify 180 acres from W-3, S-3 to Planned Service (PS) Water and Sewer; Removal of a 16-inch water line from the Water Infrastructure Map

**LOCATION:** West side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road  
Tax Map 88, Parcel 27. Property ID#09-253912  
Tax Map 88, Parcel 21. Property ID#09-225218  
Tax Map 88, part of Parcel 2. Property ID#09-589614

Livable Frederick Master Plan — Low Density Residential

Zoning — Agricultural

Development Status

The properties are collectively known as Monrovia Town Center, which was rezoned Planned Unit Development (PUD) by Ordinance No. 14-04-659, effective April 23, 2014. On the same date, the developers/owners entered into a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) with the County. Monrovia Town Center received Preliminary Subdivision Plan and Site Development Plan approval from the Planning Commission for development of 1,250 residential units and a commercial component in November 2014.

A citizen's group called Residents Against Landsdale Expansion (RALE), along with other County residents, filed a timely petition with the Frederick County Circuit Court for judicial review of all three of these decisions (PUD rezoning, DRRA, and APFO). The Circuit Court remanded the case back to the County Council by an Order dated March 10, 2015. The Council held public hearings and determined that the developers would need to start the rezoning process over at the Planning Commission level.

The Developers refused to start over, and the Council sent the case back to the Circuit Court, requesting that the Court void the rezoning ordinance, the DRRA, and the APFO LOU. The Court issued an order on September 29, 2017 that vacated all of these.

The Developers filed an appeal with the Maryland Court of Special Appeals. That Court upheld the decision of the Circuit Court. The Developers filed an appeal to the Court of Appeals (Maryland's highest appeals court). The Court of Appeals also upheld the decisions of the courts below.

Therefore, by the Court of Appeals decision dated August 24, 2020, and published at 470 Md. 598, all appeals have been exhausted. The property currently has Agricultural zoning, no DRRA, and no APFO LOU. The property's Preliminary Subdivision Plan and Site Development Plan are no longer valid.

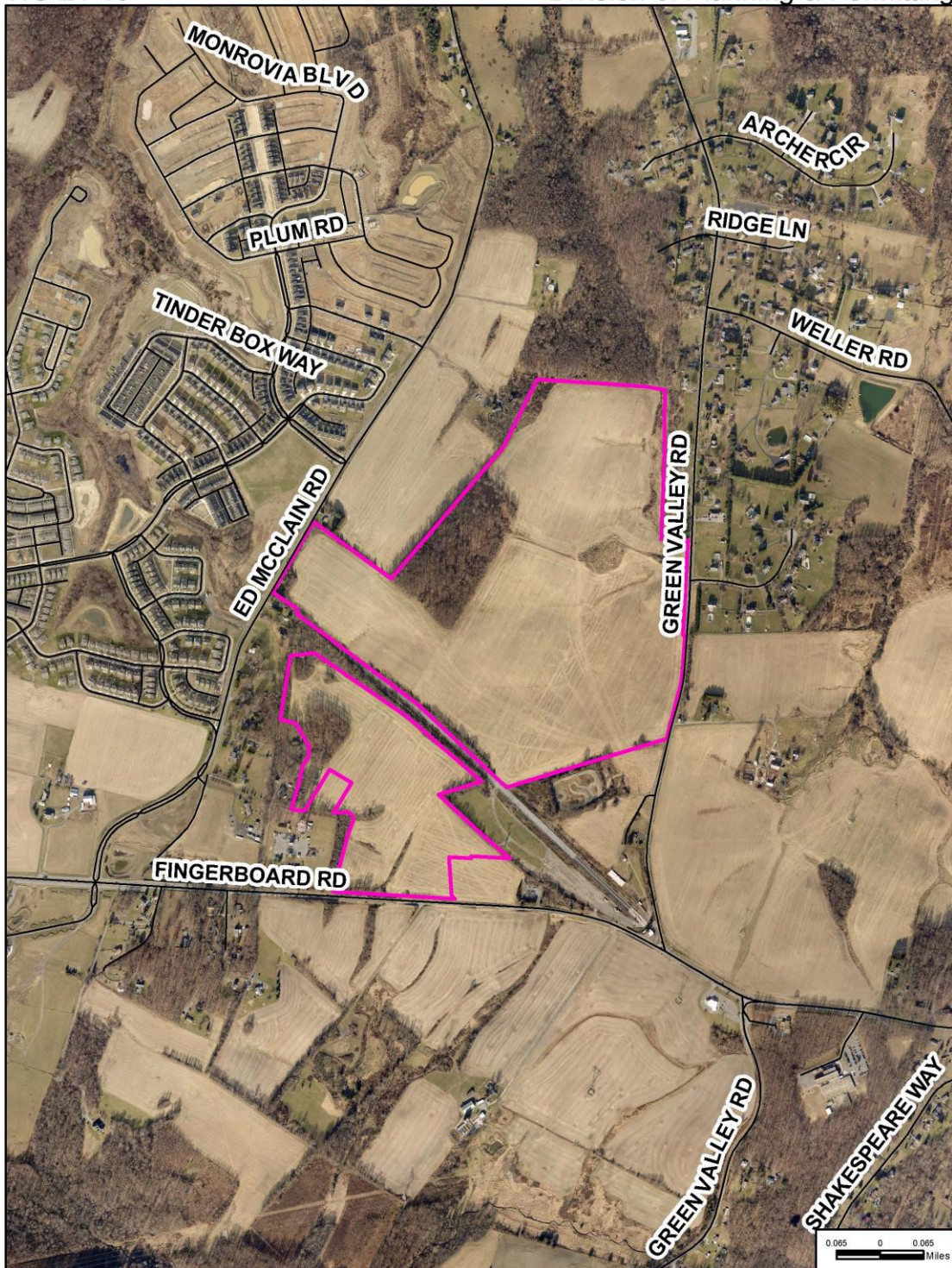
#### Water & Sewerage Plan Status

Prior Water and Sewerage Plan Amendments (WS 13-21 and WS 14-12) for the subject properties were approved by the County and the Maryland Department of the Environment. Case WS 13-21 contained the 16-inch water line, in addition to an elevated water storage tank symbol that will remain due to need for this water infrastructure item for the adjacent Lansdale community. The elevated water storage tank will be constructed on a 2-acre Outlot, owned by the County, and will retain its W-3, S-3 categories. A 4-acre Outlot, also under Frederick County ownership, will retain its W-3, S-3 categories for development of a new public fire station; a site plan for the Green Valley Fire Company is currently under review.

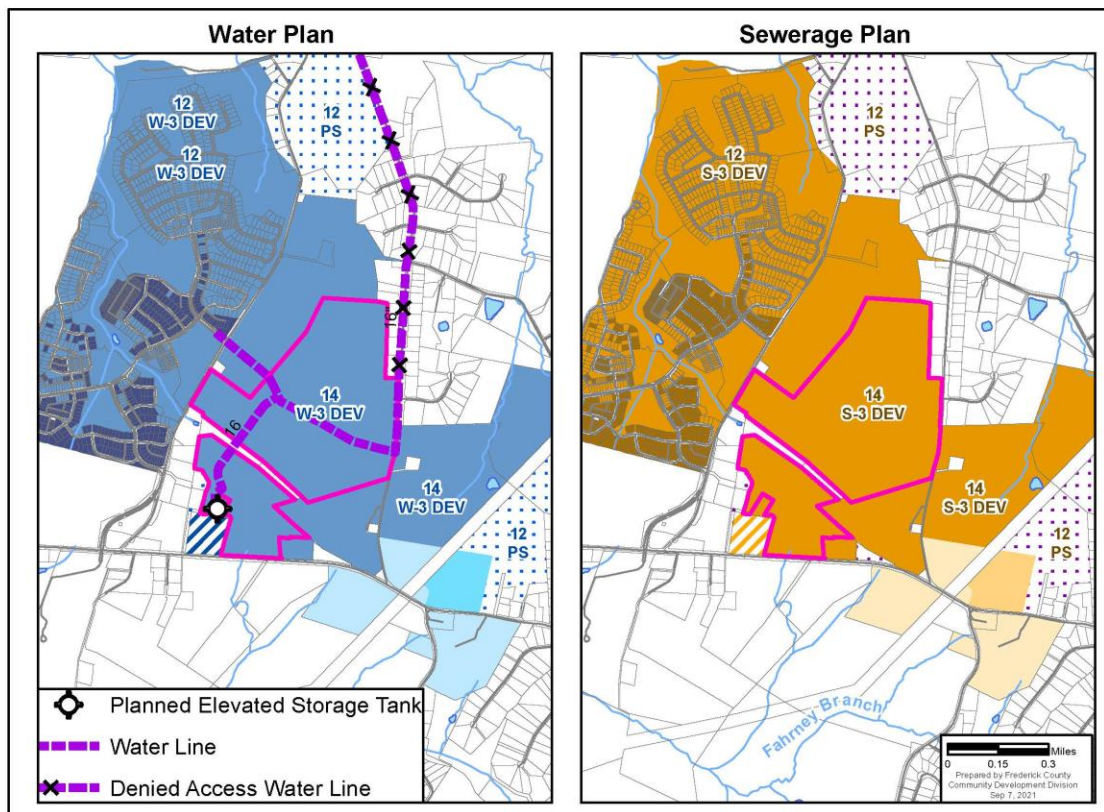
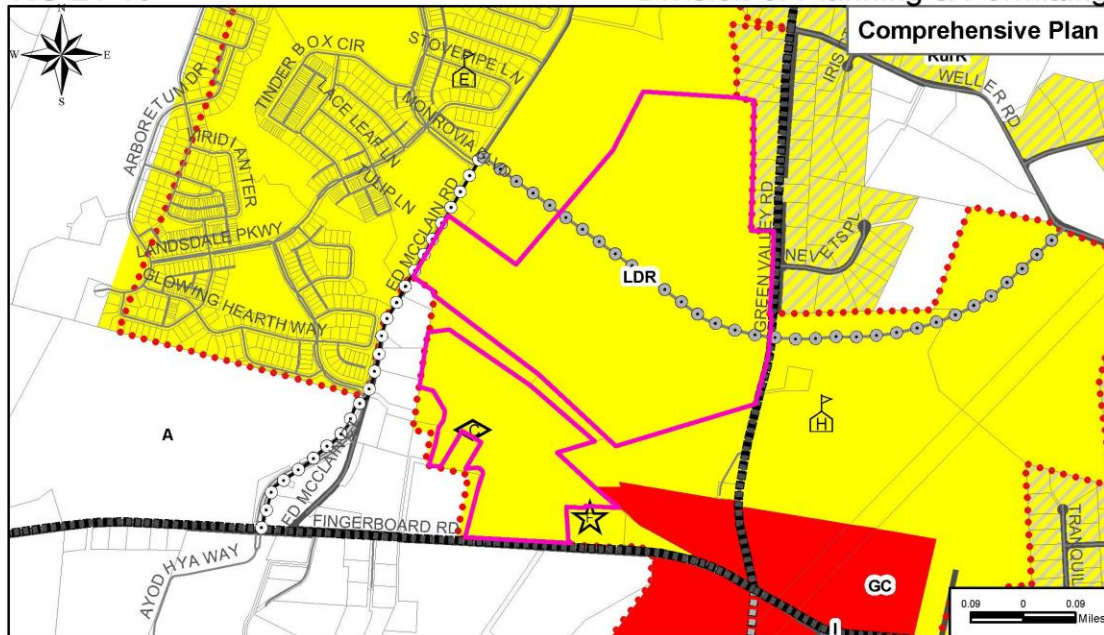
#### **STAFF RECOMMENDATION:**

Although the property is located within the Monrovia Community Growth Area, its Agricultural zoning and Low Density Residential Comprehensive Plan designation warrant reclassification to the proper Planned Service (water and sewer) category as defined in the Water and Sewage Plan. The property is no longer eligible for classification as W-3/Dev., S-3/Dev. in the Water and Sewerage Plan. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.









WATER & SEWERAGE PLAN AMENDMENTS  
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**STAFF REPORT**

**Case # WS-21-14**

**APPLICANT:** Division of Planning and Permitting (Monrovia Investments, LLC)

**REQUEST:** To reclassify 64 acres from W-3, S-3 to Planned Service (PS) Water and Sewer; Reclassify 17.2 acres from W-4, S-4 to W-5, S-5

**LOCATION:** East side of MD 7, Green Valley Road, north of MD 80, Fingerboard Road Tax Map 88, part of Parcel 28. Property ID#09-261834 (property bisected by a power line)

Livable Frederick Master Plan — Low Density Residential and General Commercial

Zoning — Agricultural and General Commercial

Development Status

A portion of the subject property is one of several parcels collectively known as Monrovia Town Center, which was rezoned Planned Unit Development (PUD) by Ordinance No. 14-04-659, effective April 23, 2014. On the same date, the developers/owners entered into a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) with the County. Monrovia Town Center received Preliminary Subdivision Plan and Site Development Plan approval from the Planning Commission for development of 1,250 residential units and a commercial component in November 2014. The 17-acre portion of Parcel 28 retained its General Commercial zoning, which was applied prior to the 2014 PUD rezoning.

A citizen's group called Residents Against Landsdale Expansion (RALE), along with other County residents, filed a timely petition with the Frederick County Circuit Court for judicial review of all three of these decisions (PUD rezoning, DRRA, and APFO). The Circuit Court remanded the case back to the County Council by an Order dated March 10, 2015. The Council held public hearings and determined that the developers would need to start the rezoning process over at the Planning Commission level.

The Developers refused to start over, and the Council sent the case back to the Circuit Court, requesting that the Court void the rezoning ordinance, the DRRA, and the APFO LOU. The Court issued an order on September 29, 2017 that vacated all of these.

The Developers filed an appeal with the Maryland Court of Special Appeals. That Court upheld the decision of the Circuit Court. The Developers filed an appeal to the Court of Appeals (Maryland's highest appeals court). The Court of Appeals also upheld the decisions of the courts below.

Therefore, by the Court of Appeals decision dated August 24, 2020, and published at 470 Md. 598, all appeals have been exhausted. The property currently has Agricultural zoning, no DRRA, and no APFO LOU. A portion of the property retained its General Commercial zoning, which was not part of the 2014 rezoning or subject to the PUD litigation. The property's Preliminary Subdivision Plan and Site Development Plan are no longer valid.

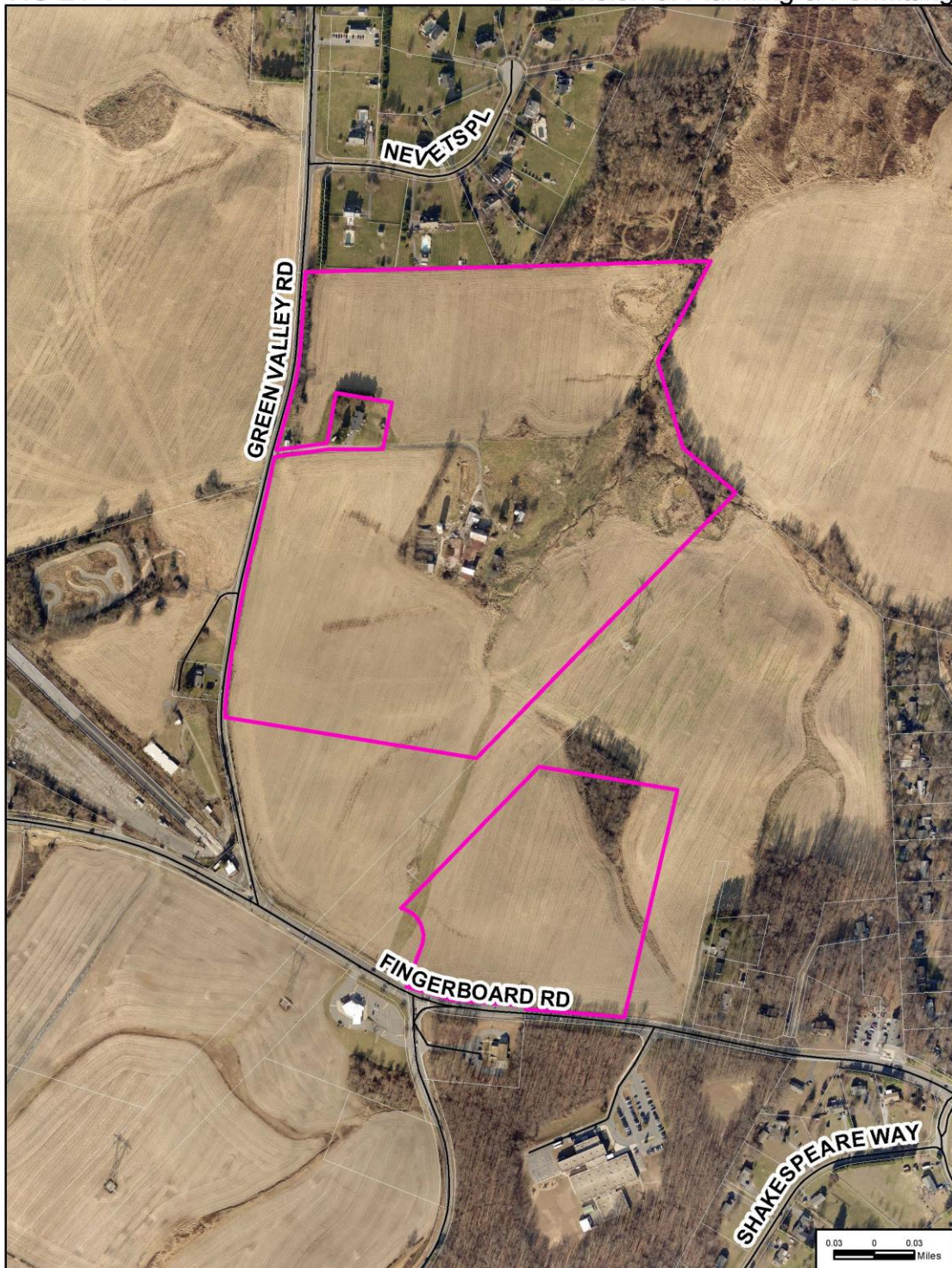
#### Water & Sewerage Plan Status

Prior Water and Sewerage Plan Amendments (WS 13-23 and WS 14-13) for the subject properties were approved by the County and the Maryland Department of the Environment.

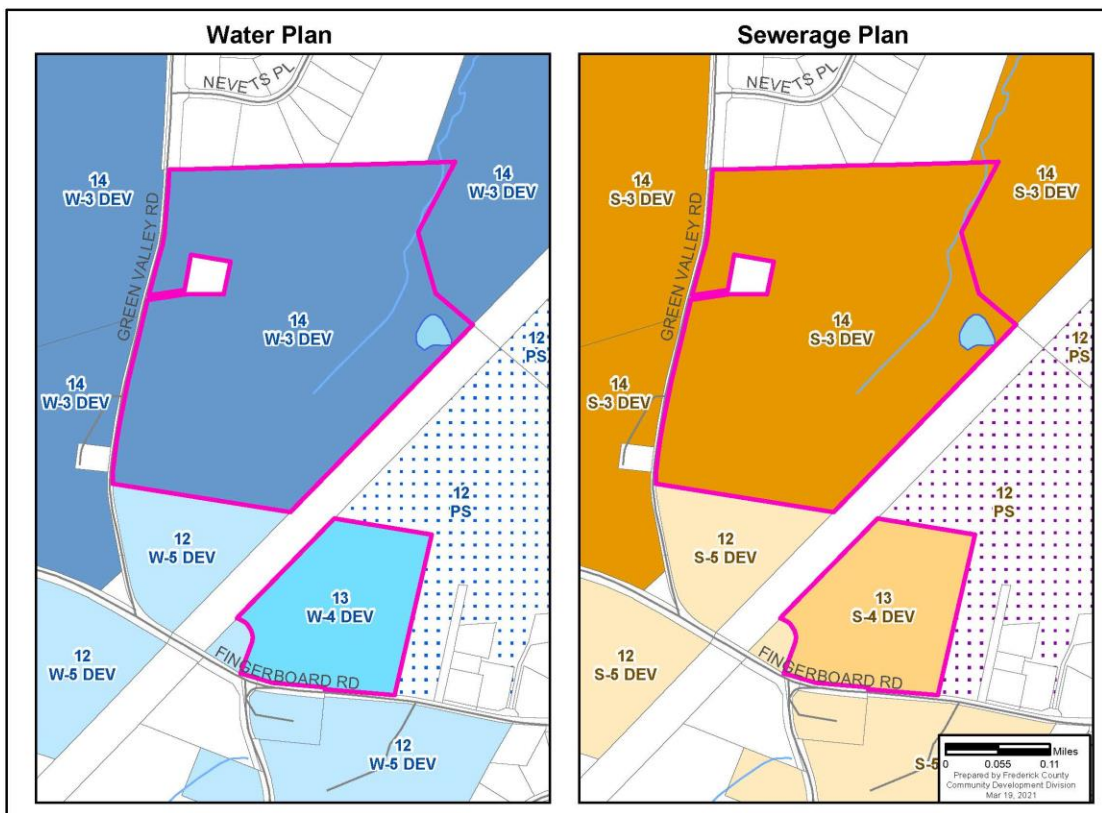
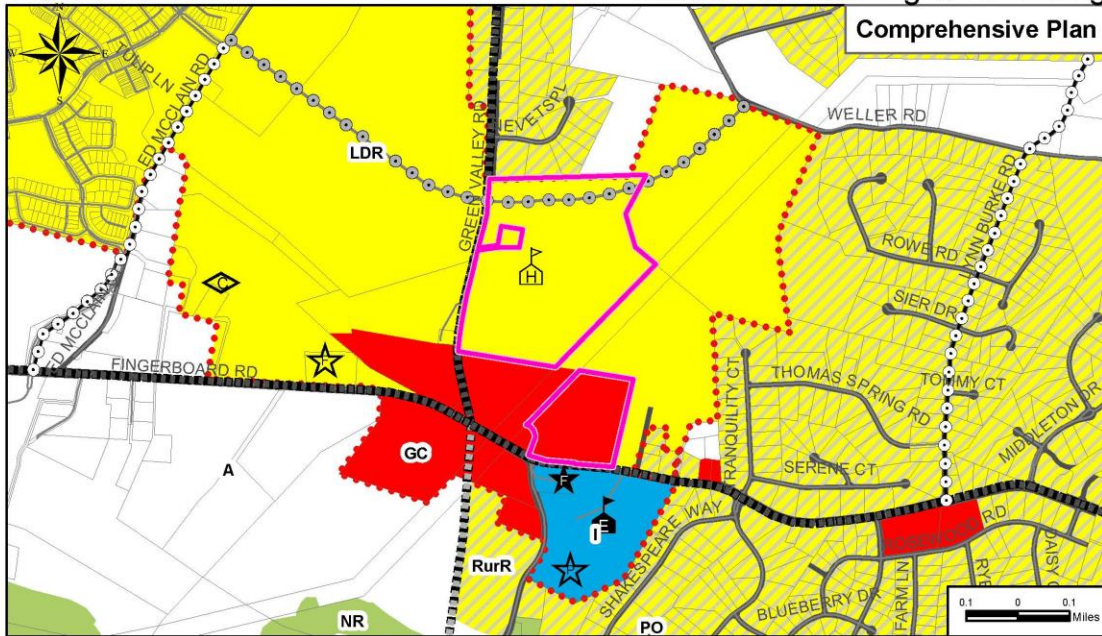
#### **STAFF RECOMMENDATION:**

Although the properties are located within the Monrovia Community Growth Area, the Agricultural zoning and Low Density Residential Comprehensive Plan designation on 64 acres of Parcel 28 warrant reclassification to the proper Planned Service (water and sewer) category as defined in the Water and Sewage Plan. The 64-acre portion of property is no longer eligible for classification as W-3/Dev., S-3/Dev. in the Water and Sewerage Plan. Due to the lack of supporting infrastructure for which water and sewer service can be conceptually planned, the 17-acre portion of Parcel 28 no longer meets the requirements of the W-4, S-4 classifications. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.









WATER & SEWERAGE PLAN AMENDMENTS  
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**STAFF REPORT**

**Case # WS-21-15**

**APPLICANT:** Division of Planning and Permitting (75-80 Properties, LLC)

**REQUEST:** To reclassify 16 acres from W-3, S-3 to Planned Service (PS) Water and Sewer; Reclassify 15 acres from W-3, S-3 to W-5, S-5

**LOCATION:** Northwest intersection of MD 75, Green Valley Road and MD 80, Fingerboard Road  
Tax Map 97, Parcel '0.' Property ID#09-253890

Livable Frederick Master Plan — Low Density Residential and General Commercial

Zoning — Agricultural and General Commercial

Development Status

A portion of the subject property is one of several parcels collectively known as Monrovia Town Center, which was rezoned Planned Unit Development (PUD) by Ordinance No. 14-04-659, effective April 23, 2014. On the same date, the developers/owners entered into a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) with the County. Monrovia Town Center received Preliminary Subdivision Plan and Site Development Plan approval from the Planning Commission for development of 1,250 residential units and a commercial component in November 2014. The 15-acre portion of Parcel 'O' retained its General Commercial zoning, which was applied prior to the 2014 PUD rezoning.

A citizen's group called Residents Against Landsdale Expansion (RALE), along with other County residents, filed a timely petition with the Frederick County Circuit Court for judicial review of all three of these decisions (PUD rezoning, DRRA, and APFO). The Circuit Court remanded the case back to the County Council by an Order dated March 10, 2015. The Council held public hearings and determined that the developers would need to start the rezoning process over at the Planning Commission level.

The Developers refused to start over, and the Council sent the case back to the Circuit Court, requesting that the Court void the rezoning ordinance, the DRRA, and the APFO LOU. The Court issued an order on September 29, 2017 that vacated all of these.

The Developers filed an appeal with the Maryland Court of Special Appeals. That Court upheld the decision of the Circuit Court. The Developers filed an appeal to the Court of Appeals (Maryland's highest appeals court). The Court of Appeals also upheld the decisions of the courts below.

Therefore, by the Court of Appeals decision dated August 24, 2020, and published at 470 Md. 598, all appeals have been exhausted. The property currently has Agricultural zoning, no DRRA, and no APFO LOU. A portion of the property retained its General Commercial zoning, which was not part of the 2014 rezoning or subject to the PUD litigation. The property's Preliminary Subdivision Plan and Site Development Plan are no longer valid.

#### Water & Sewerage Plan Status

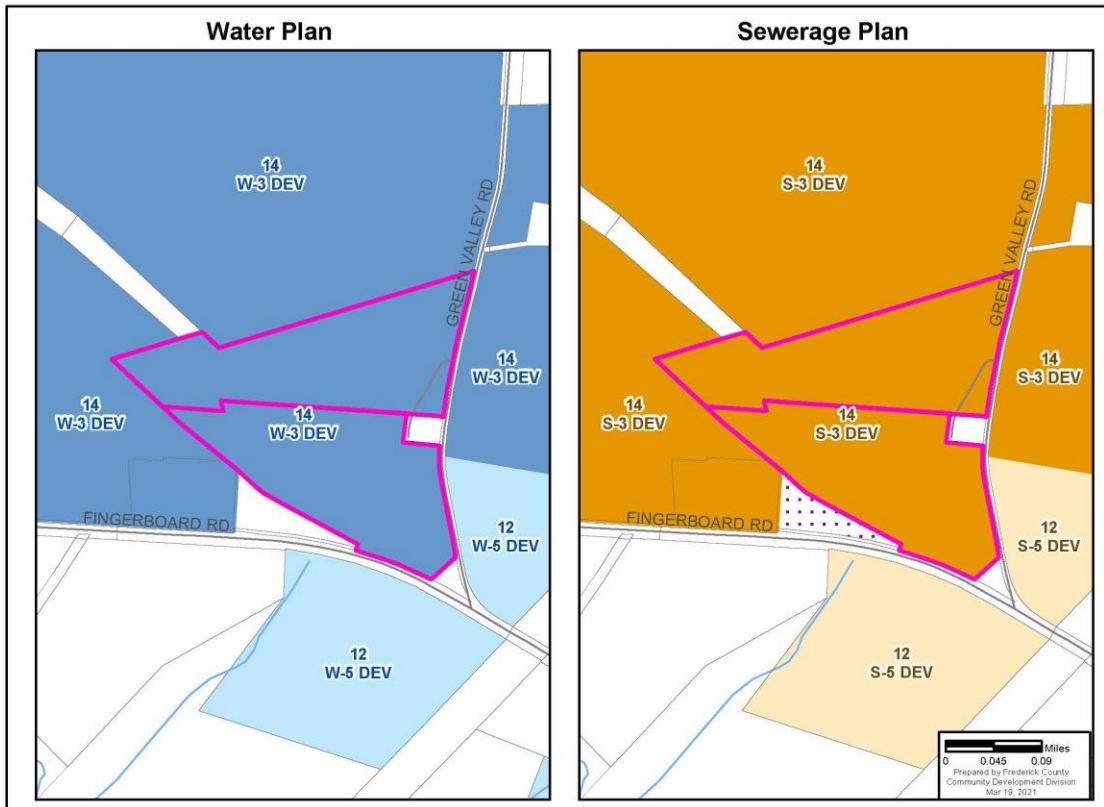
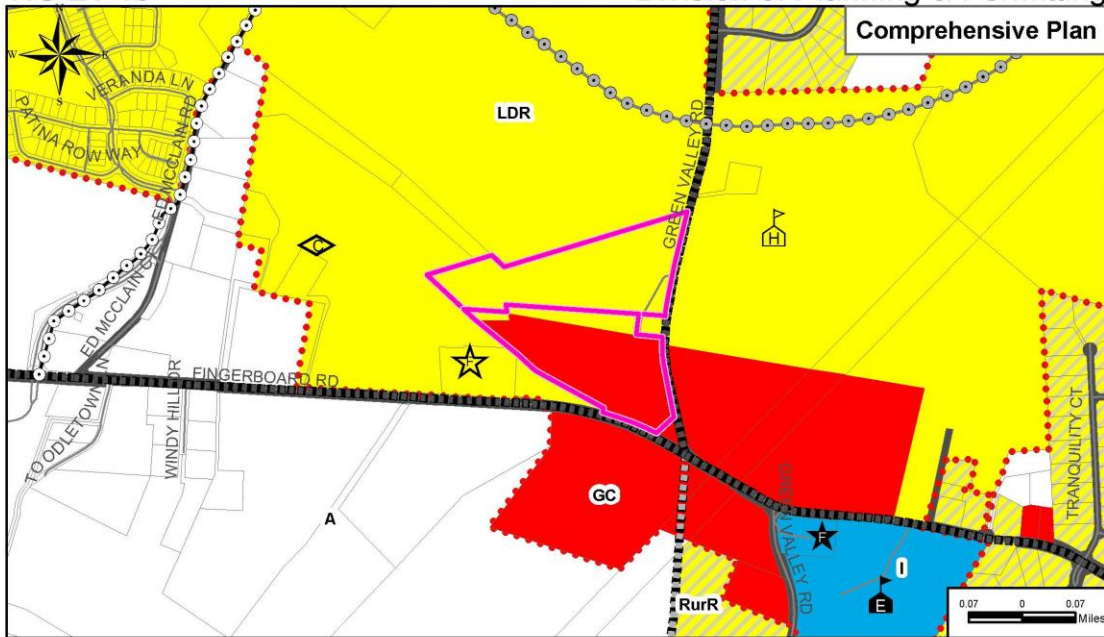
Prior Water and Sewerage Plan Amendments (WS 13-24 and WS 14-14) for the subject properties were approved by the County and the Maryland Department of the Environment.

#### **STAFF RECOMMENDATION:**

Although the properties are located within the Monrovia Community Growth Area, the Agricultural zoning and Low Density Residential Comprehensive Plan designation on 16 acres of Parcel '0' warrant reclassification to the proper Planned Service (water and sewer) category as defined in the Water and Sewage Plan. The 15-acre portion of the property zoned General Commercial has no site development plan or subdivision plan approval; therefore, the entire property is no longer eligible for classification as W-3/Dev., S-3/Dev. in the Water and Sewerage Plan. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.







WATER & SEWERAGE PLAN AMENDMENTS  
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**STAFF REPORT**

**Case # WS-21-16**

**APPLICANT:** Division of Planning and Permitting (75-80 Properties, LLC)

**REQUEST:** To reclassify 36 acres from W-3, S-3 to Planned Service (PS) Water and Sewer; Removal of a Sewage Pump Station symbol from the Sewer Infrastructure Map.

**LOCATION:** Southwest side of Weller Road  
Tax Map 88, part of Parcel 127. Property ID#09-253939

Livable Frederick Master Plan — Low Density Residential

Zoning — Agricultural

Development Status

The subject property is one of several parcels collectively known as Monrovia Town Center, which was rezoned Planned Unit Development (PUD) by Ordinance No. 14-04-659, effective April 23, 2014. On the same date, the developers/owners entered into a Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) with the County. Monrovia Town Center received Preliminary Subdivision Plan and Site Development Plan approval from the Planning Commission for development of 1,250 residential units and a commercial component in November 2014.

A citizen's group called Residents Against Landsdale Expansion (RALE), along with other County residents, filed a timely petition with the Frederick County Circuit Court for judicial review of all three of these decisions (PUD rezoning, DRRA, and APFO). The Circuit Court remanded the case back to the County Council by an Order dated March 10, 2015. The Council held public hearings and determined that the developers would need to start the rezoning process over at the Planning Commission level.

The Developers refused to start over, and the Council sent the case back to the Circuit Court, requesting that the Court void the rezoning ordinance, the DRRA, and the APFO LOU. The Court issued an order on September 29, 2017 that vacated all of these.

The Developers filed an appeal with the Maryland Court of Special Appeals. That Court upheld the decision of the Circuit Court. The Developers filed an appeal to the Court of Appeals

(Maryland's highest appeals court). The Court of Appeals also upheld the decisions of the courts below.

Therefore, by the Court of Appeals decision dated August 24, 2020, and published at 470 Md. 598, all appeals have been exhausted. The property currently has Agricultural zoning, no DRRA, and no APFO LOU. The property's Preliminary Subdivision Plan and Site Development Plan are no longer valid.

#### Water & Sewerage Plan Status

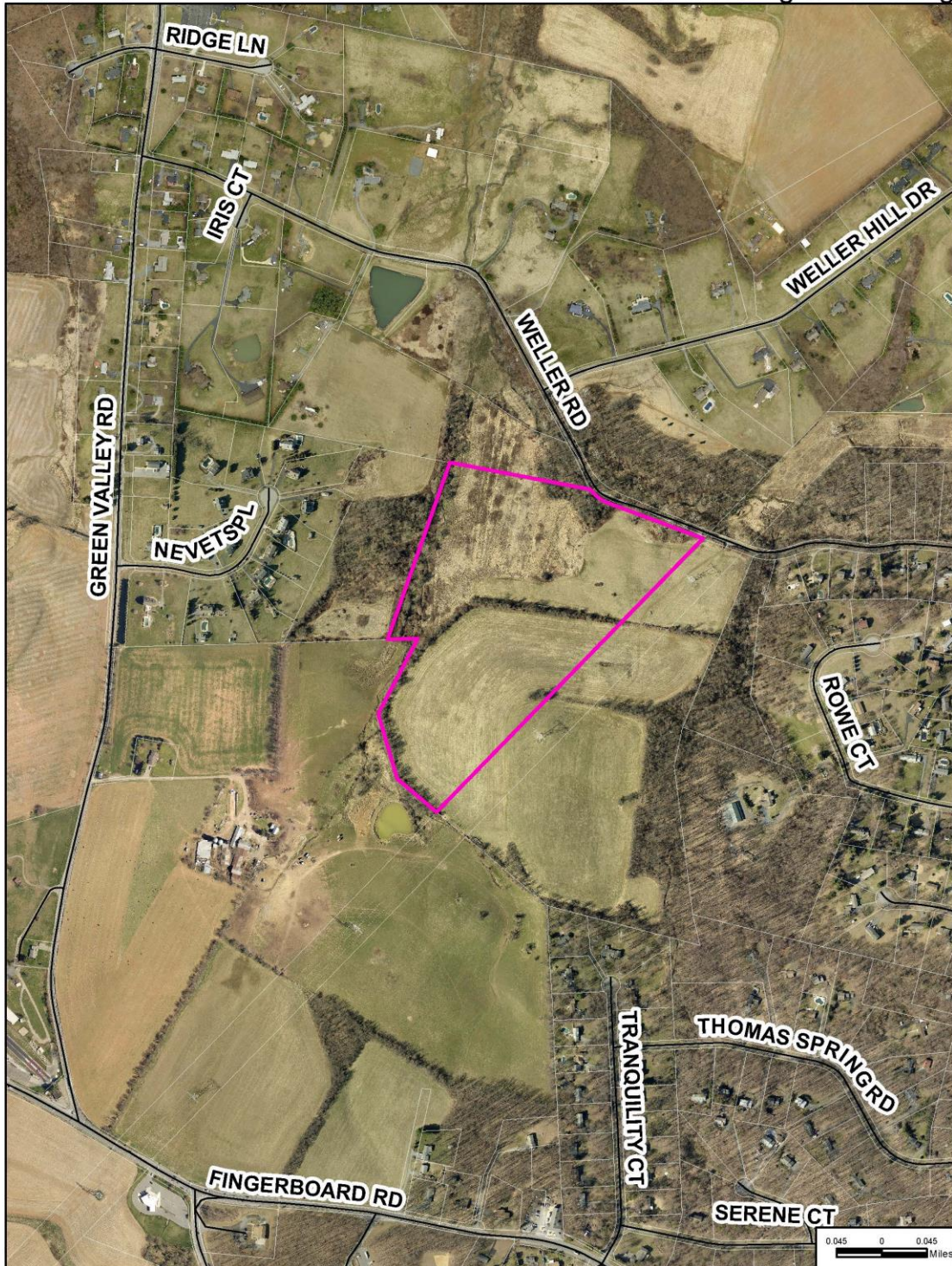
Prior Water and Sewerage Plan Amendments (WS 13-25 and WS 14-15) for the subject properties were approved by the County and the Maryland Department of the Environment.

#### **STAFF RECOMMENDATION:**

Although the properties are located within the Monrovia Community Growth Area, the Agricultural zoning and Low Density Residential Comprehensive Plan designation warrant reclassification to the proper Planned Service (water and sewer) category as defined in the Water and Sewage Plan. The entire property is no longer eligible for classification as W-3/Dev.,

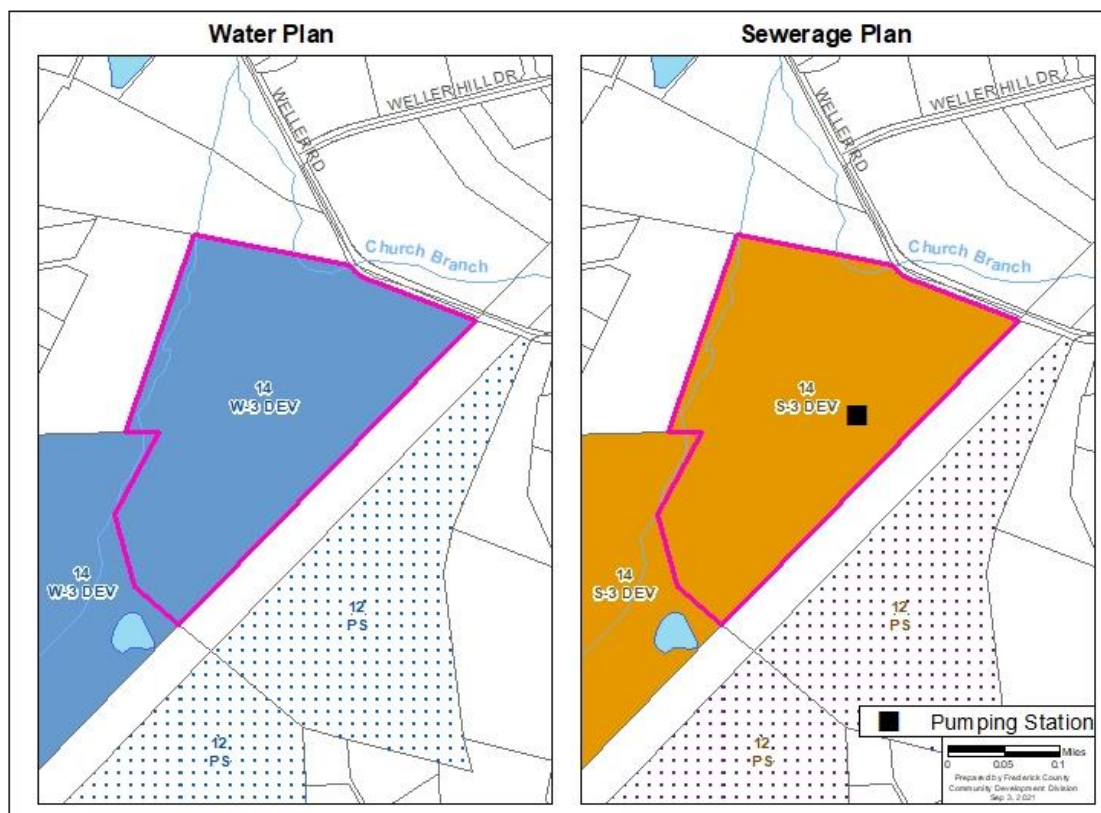
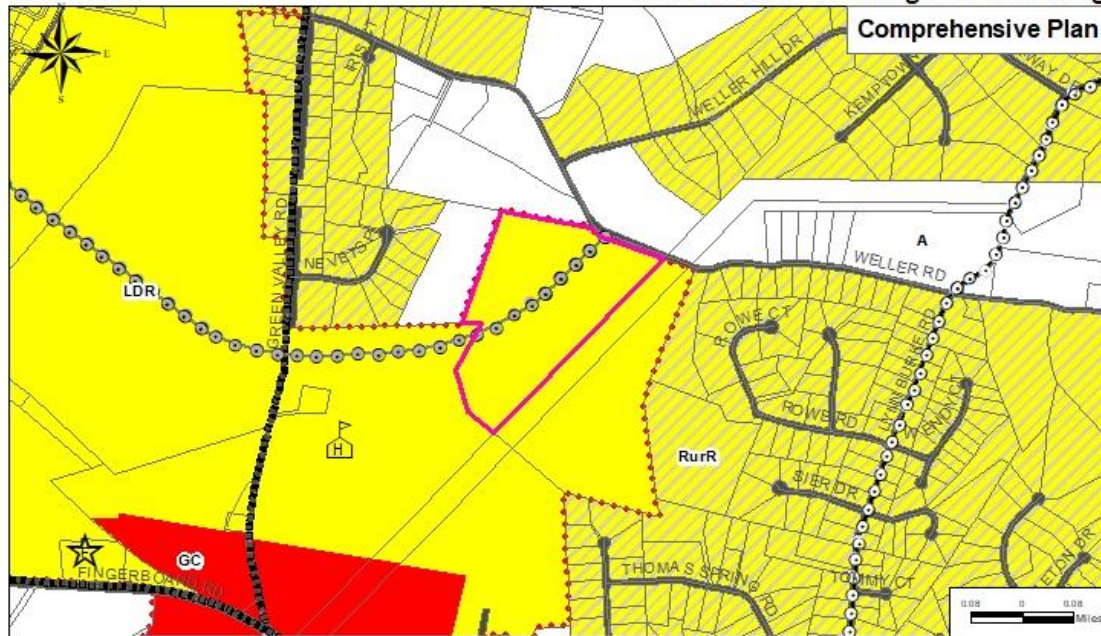
S-3/Dev. in the Water and Sewerage Plan. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.













WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-17**

**APPLICANT:** Division of Planning & Permitting/Village of Rosemont

**REQUEST:** To reclassify 13 properties from the W-5 category to the W-4 category and 3 properties from the W-1 category to the W-4 category.

Comprehensive Plan— Rural Community (Frederick County designation)

Zoning— R-1 Residential

Development Status

The Village of Rosemont, located in southwest Frederick County adjacent to the City of Brunswick, was incorporated in 1953. Home to 294 residents (2010 Census), the Village is a community of residential dwellings.

Water & Sewerage Plan Status

Frederick County owns and operates the water distribution system that serves the Village of Rosemont, memorialized in the 2013 Rosemont Water and Sewer Service Area Agreement between the County and the Village of Rosemont. The County replaced the water line along Petersville Road, Rosemont Drive, and Chick Lane within the Village in 2013 to serve existing water customers in the Rosemont Water Service Area. In addition, customers along Souder Road were connected directly to the City of Brunswick's water main. This new 8-inch public water line connects to the City of Brunswick's 16-inch line along Burkittsville Road (MD 17), with a formal, metered interconnection between the Brunswick distribution system and the County's Rosemont water system. Water supply is provided to the Village of Rosemont Service Area by the City of Brunswick under a 2013 Agreement between Frederick County and the City of Brunswick (*Rosemont Water Supply Agreement*, executed March 25, 2013).

Properties connected to public water prior to the County's 2013 reconstruction of the water line and establishment of the Rosemont Water Service Area are classified W-1 in the Water and Sewerage Plan; however, three (3) properties within the Rosemont Water Service Area that are not connected to the public water line are proposed for reclassification from W-1 to W-4 as part of this Amendment. These properties, indicated in the chart below, are developed with dwellings and zoned R-1 Residential.

All other properties in the Village have the W-5 category. The 13 properties proposed for reclassification to the W-4 have a water supply line in the front, side, or rear of the properties, and this Amendment will facilitate their individual connections to the public water line without additional amendments from the property owners or the Village of Rosemont. Service to the remaining properties classified W-5 require extensions of the existing public water lines, as specified in the 2013 Rosemont Water and Sewer Service Area Agreement.

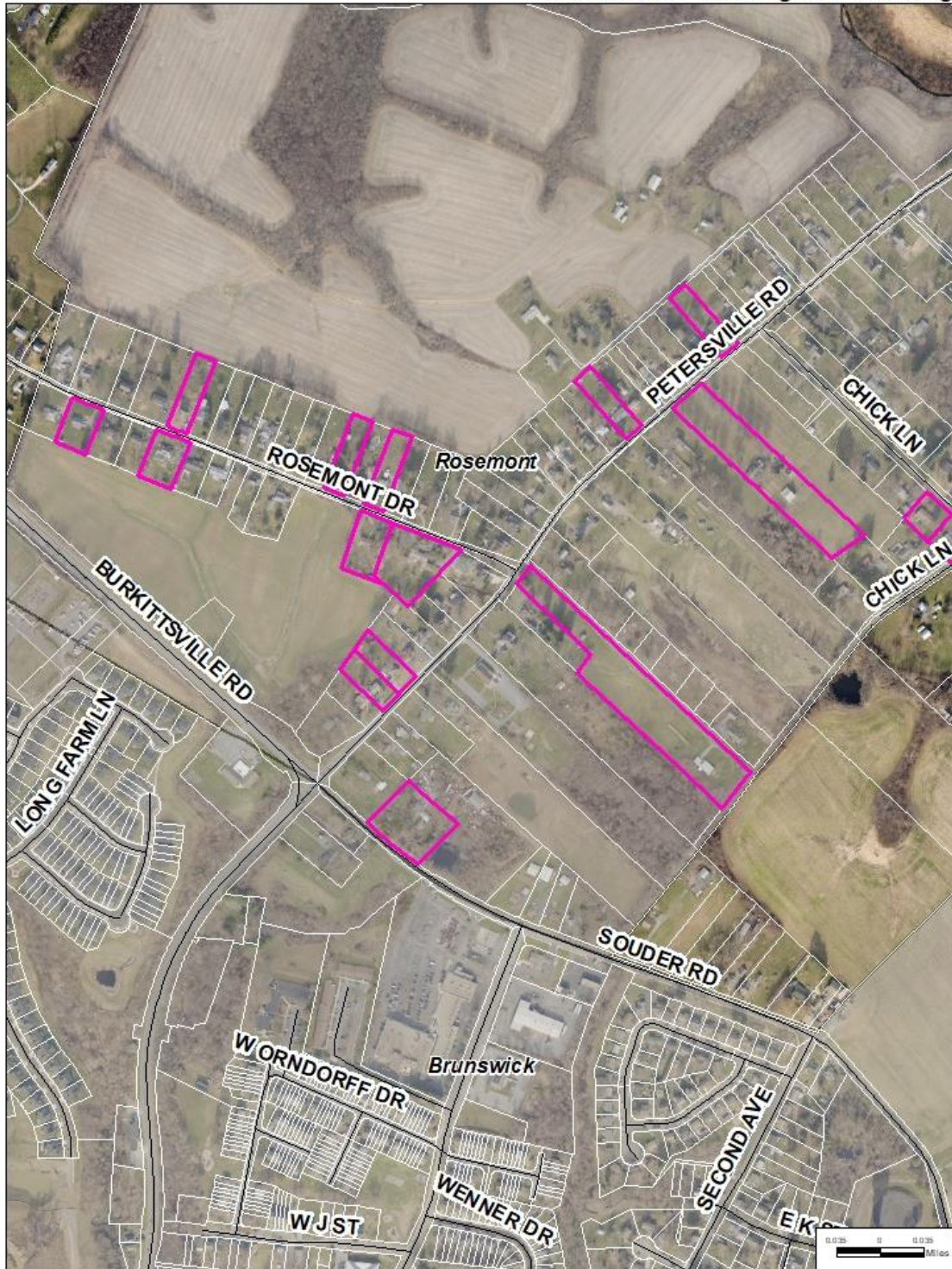
Properties identified in this Amendment utilize private on-site sewage disposal systems (septic systems), and are not connected to public sewer service.

At time of connection to the public water supply, the private wells on the subject properties must be physically disconnected from the site's potable water supply and, per State regulations under COMAR 26.04.04.11, the well must be abandoned and sealed by or under supervision of a master well driller licensed by the State of Maryland or a representative of the Frederick County Health Department.

<b>Property Owner</b>	<b>Tax Map/ Parcel</b>	<b>Property ID</b>	<b>Address</b>	<b>Action</b>	
Cox	92/150	12-288735	3532 Chick Lane	W-5 to W-4	
Allnut	92/183	12-291140	3540 Chick Lane	W-5 to W-4	
Leach	92/163/L4	12-28819	3512 Petersville Rd.	W-5 to W-4	
Cooper	92/64	12-288549	3640 Petersville Rd.	W-5 to W-4	
Tarleton	92/301	12-297394	3624 Petersville Rd.	W-5 to W-4	
Anderson	92/41	12-293070	1314 Rosemont Dr.	W-5 to W-4	
Moss	92/39	12-292163	1306 Rosemont Dr.	W-5 to W-4	
Bolen	92/32	12-287135	1226 Rosemont Dr.	W-5 to W-4	
Makel	92/145	12-286902	1223 Rosemont Dr.	W-5 to W-4	
Tucker	92/174	12-294603	1207 Rosemont Dr.	W-5 to W-4	
Routzahn	92/83	12-293488	3535 Rosemont Dr.	W-5 to W-4	
Freeman	92/225	12-287127	1313 Rosemont Dr.	W-5 to W-4	
Shrewbridge	92/161	12-294298	1319 Rosemont Dr.	W-5 to W-4	
Myers	92/205	12-292228	1328 Souder Rd.	W-1 to W-4	(1.6 ac. of 4-ac. parcel)
Virts	92/164	12-288697	3516 Petersville Rd.	W-1 to W-4	
Cooper	92/77	12-296010	3637 Petersville Rd.	W-1 to W-4	

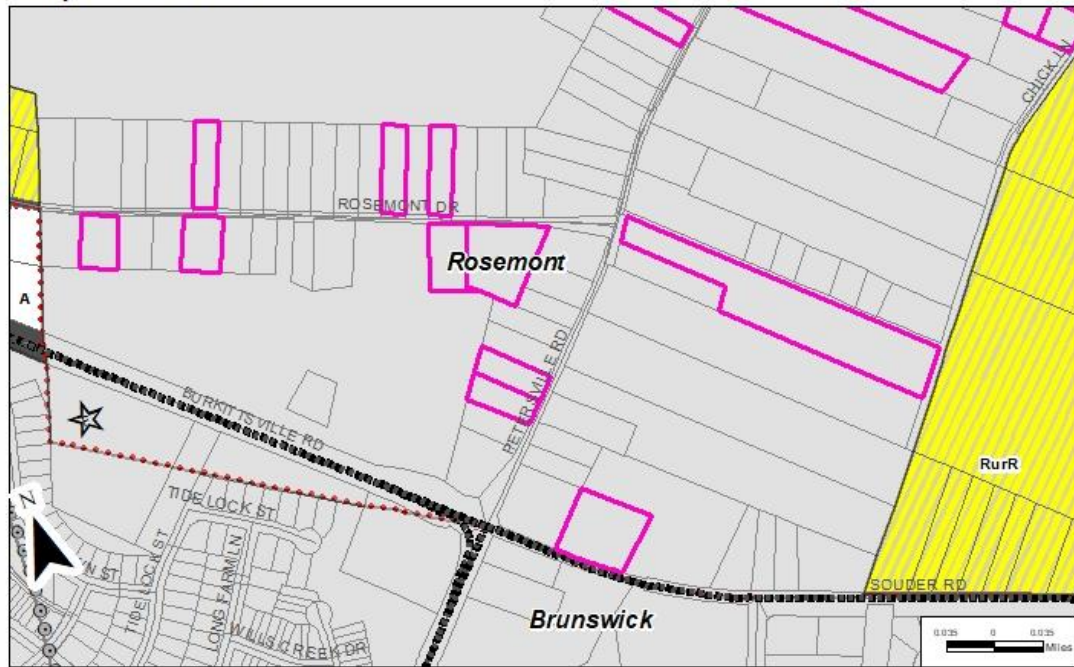
**STAFF RECOMMENDATION:**

The subject properties are located within a municipality and a public water service area. Staff recommends the Planning Commission make a finding of consistency with the County's land use plan designation for the subject properties within the Village of Rosemont.





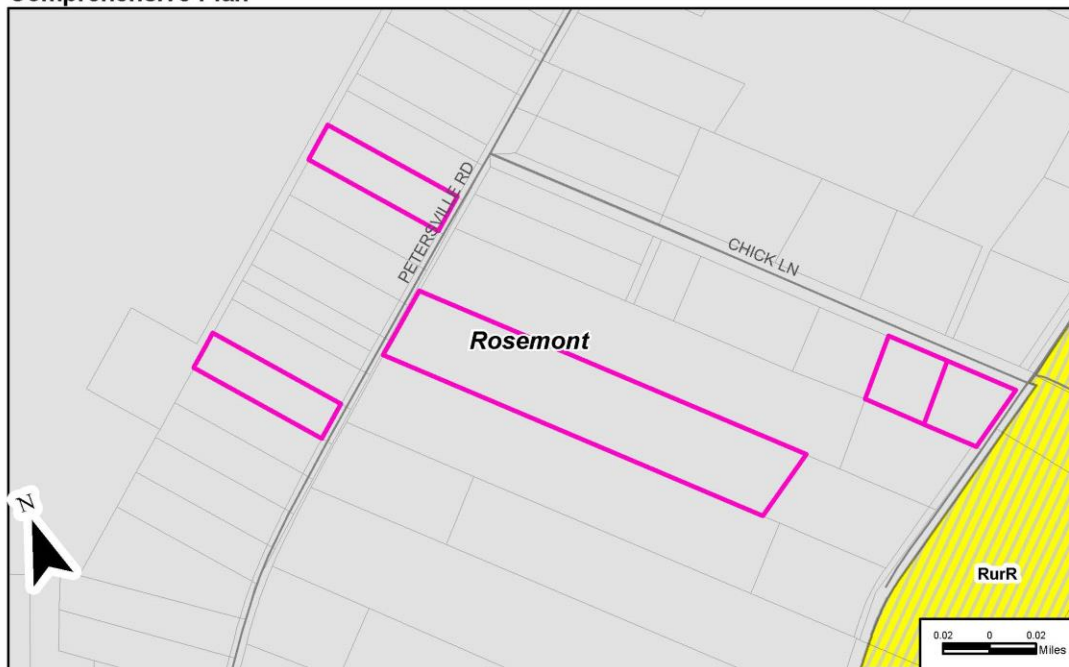
**Comprehensive Plan**



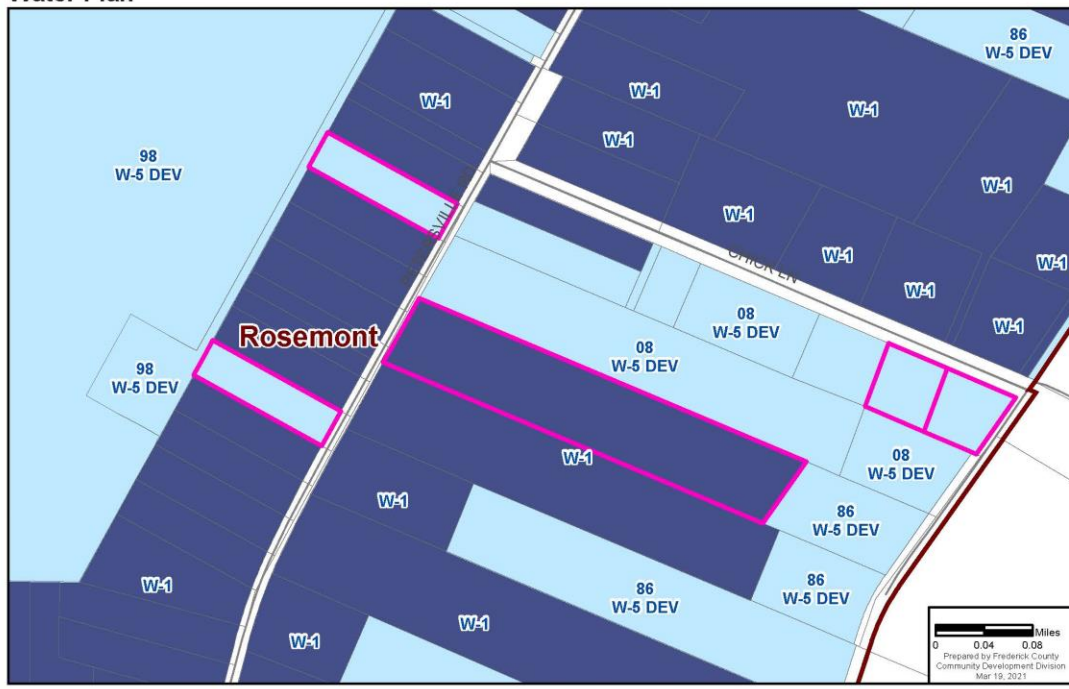
**Water Plan**



**Comprehensive Plan**



**Water Plan**



WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-18**

**APPLICANT:** The Town of Middletown, Maryland

**REQUEST:** To reclassify 93.7 acres from the No Planned Service (NPS) category to the W-3, S-3 categories.

**LOCATION:** West side of Coblentz Road, adjacent to the County's Middletown Park Tax Map 55, Parcel 54. Property ID#03-135632

Middletown Comprehensive Plan — Low Density Residential (LDR)

Middletown Zoning — R-20 Residential

Development Status

The subject property, within the County's Middletown Community Growth Area, was annexed into the Town of Middletown on April 10, 2018 with Town R-20 Residential zoning applied to the 93-acre property. The Town's Board of Appeals approved a special exception in February 2020 for an age-restricted residential community on the property. A subsequent preliminary subdivision plan for development of 148 lots was approved by the Town's Planning Commission on January 21, 2021.

Water & Sewerage Plan Status

The Town of Middletown owns and operates its own public water system and wastewater treatment plants. An existing 12-inch Town water line and existing 8-inch Town sewer line are adjacent to the subject property at the intersection of Smithfield Drive and Coblentz Road. Smithfield Drive will be extended into the property, which will also be the location of new 8-inch water and sewer lines to serve the property's future development. The Town of Middletown has provided a letter certifying adequate capacity in the municipal water and wastewater systems to serve the subject property. Treatment will be made at the Middletown East Waste Water Treatment Plant.

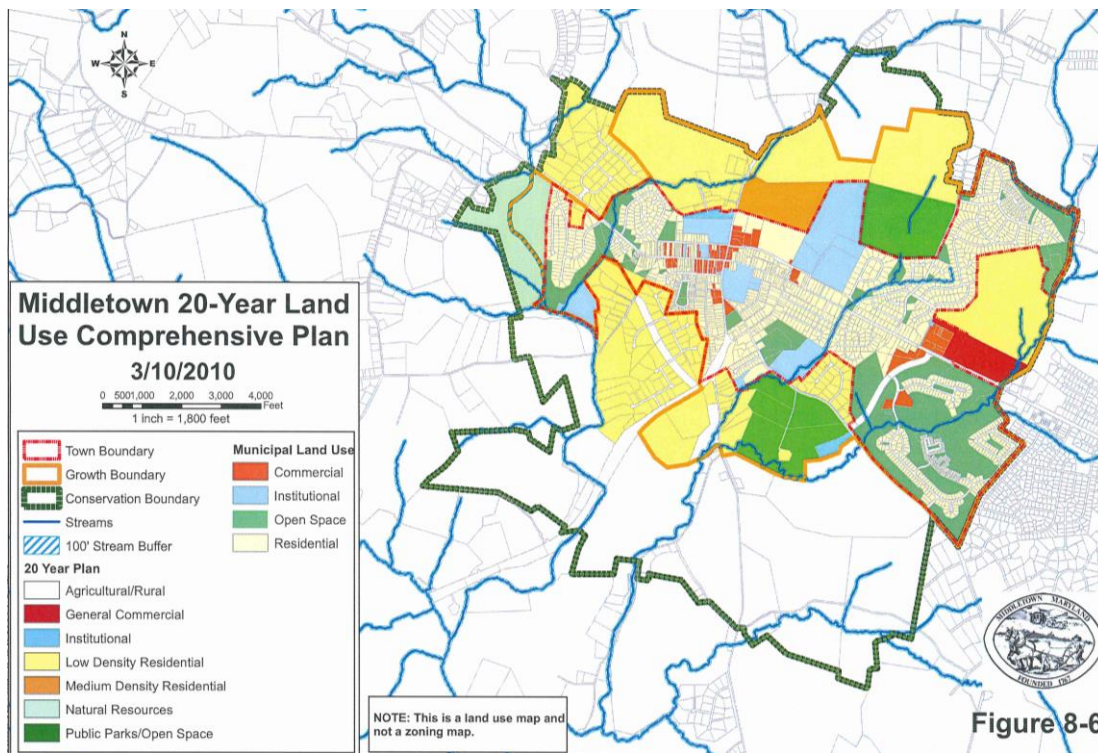
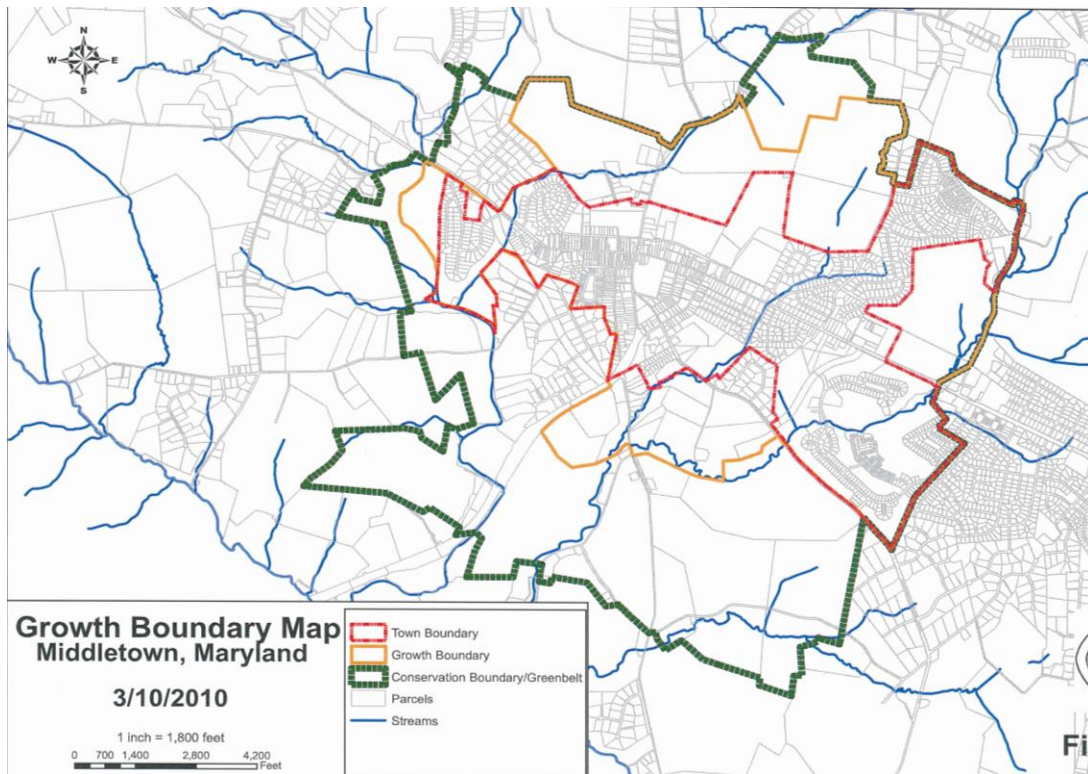
**STAFF RECOMMENDATION:**

The subject property is located within a Community Growth Area, a municipality and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of Middletown Comprehensive Plan.



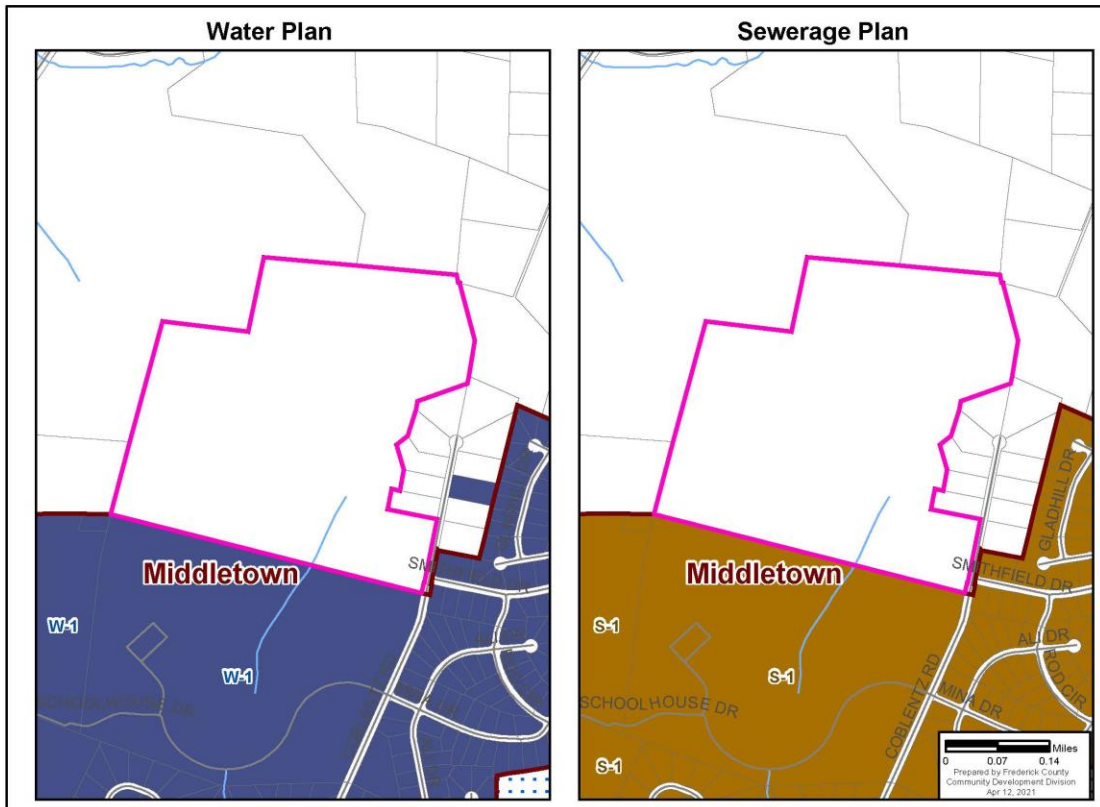
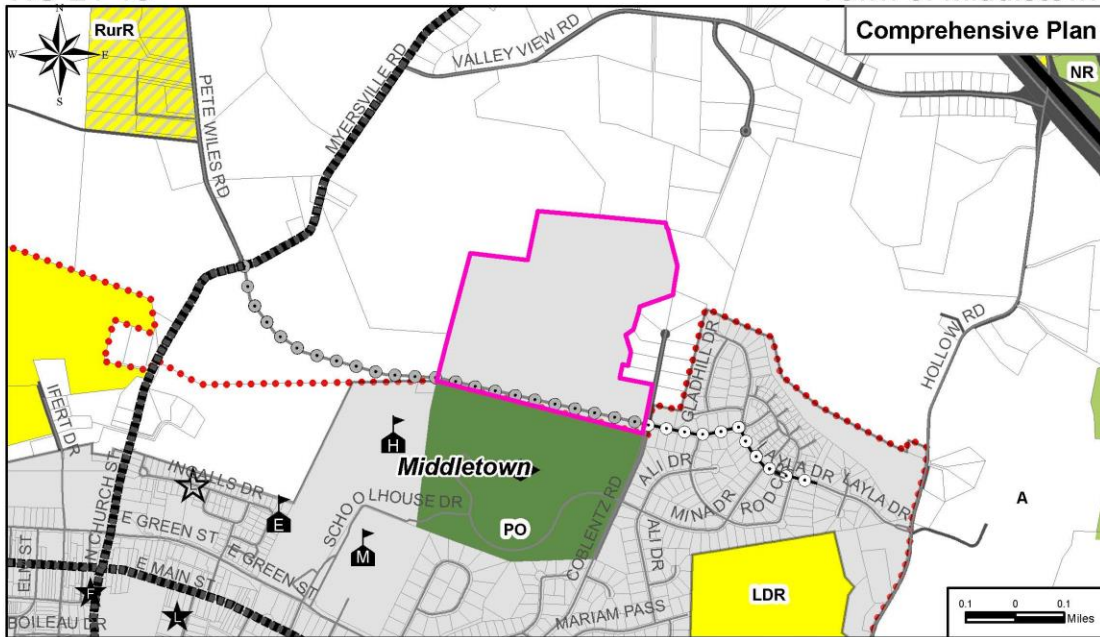






WS-21-18

Town of Middletown



WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-19**

**APPLICANT:** Oakdale Investments, LLC (Hamptons East)

**REQUEST:** To reclassify 35 acres from Planned Service (PS) to the W-4, S-4 categories.

**LOCATION:** West side of Crickenberger Road in the Linganore PUD  
Tax Map 69, Parcel 202, Parcel “B.” Property Account#27-591657

Comprehensive Plan — Low Density Residential (LDR)

Zoning — PUD

Development Status

The property is part of the Hamptons East Village, located in the northeast corner of the Linganore PUD. The property was included in the Linganore Phase I rezoning (R-12-01) that rezoned 950 acres from Agricultural and Resource Conservation to Planned Unit Development through Ordinance 13-14-642 in July 2013. No subdivision plan or site plan has been approved for development on the subject property.

Water & Sewerage Plan Status

A previous Water and Sewerage Plan amendment (WS 13-11) was approved during the summer 2013 cycle for the Hamptons East Village; however, the 35 acre parcel was not included in the application materials for the 2013 Water and Sewerage Plan amendment. The site will be served by two (2) 12-inch water lines; one constructed along Gas House Pike to the west, and by an extension of the existing 12-inch line within the Westwinds Village. Sewer conveyance within the site will be made to the Linganore collection system to the southwest of the site for ultimate treatment at the Ballenger-McKinney Waste Water Treatment Plant.

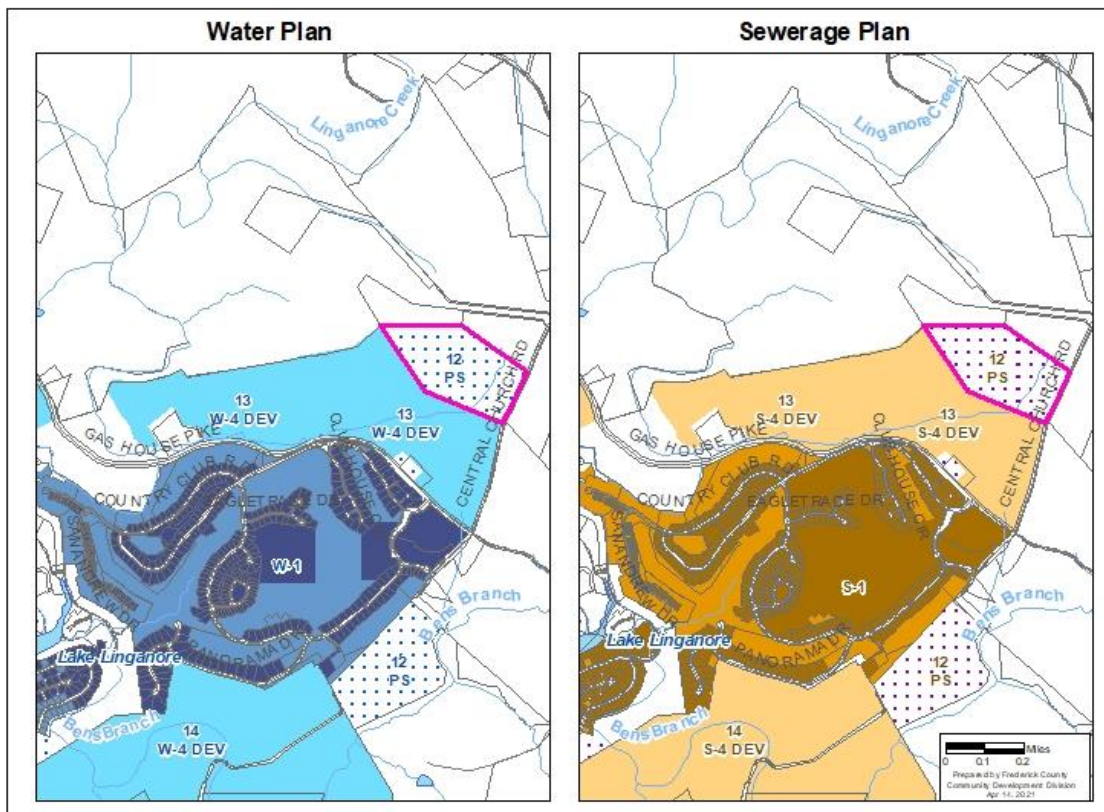
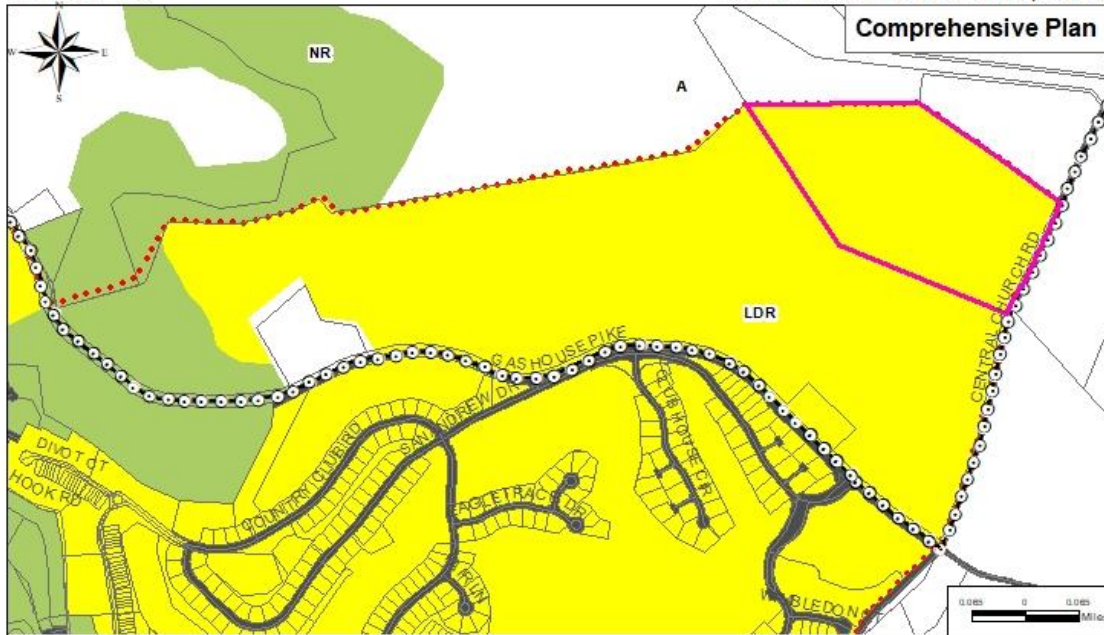
**STAFF RECOMMENDATION:**

The subject property is located within the Linganore Community Growth Area, and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.









WATER & SEWERAGE PLAN AMENDMENTS  
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**STAFF REPORT**

**Case # WS-21-21**

**APPLICANT:** Oakdale Investments, LLC (Westridge)

**REQUEST:** Depiction of a sewage pump station symbol on the Sewer Infrastructure Map

**LOCATION:** West side of Linganore Road, south of Gas House Pike  
Tax Map 68, Parcel 14. Property Account#13-301247

Comprehensive Plan — Low Density Residential

Zoning — Planned Unit Development (PUD)

Development Status

The Westridge and Westridge North sections of Lake Linganore were rezoned in 2013 (Ord. 13-14-642) and 2014 (Ord. 14-17-672) from Agricultural to PUD, for a maximum development yield of 480 residential units. Subdivisions plans for development of 306 single-family homes and 94 townhomes have recently been submitted and are now under review by the County.

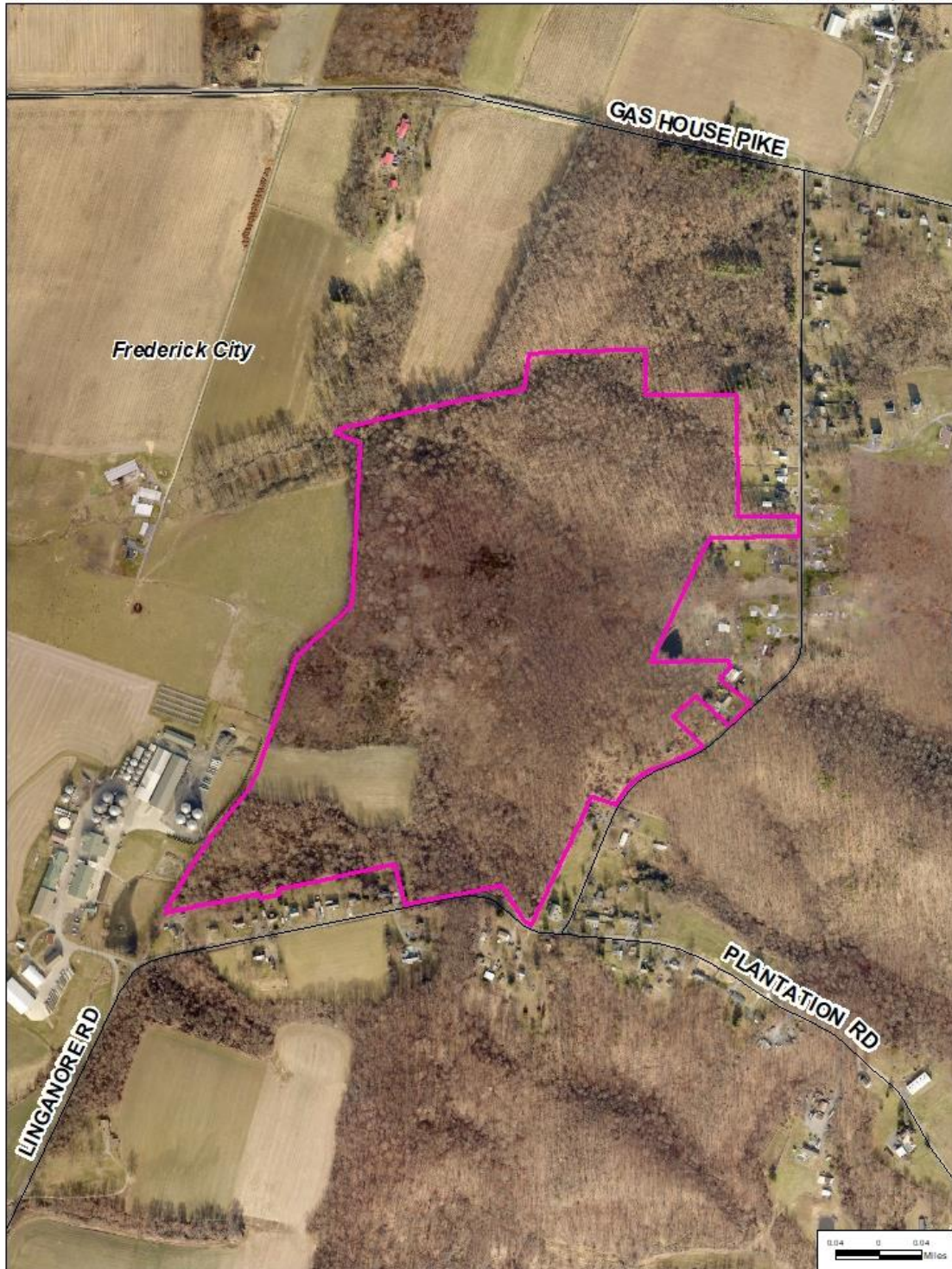
Water & Sewerage Plan Status

Lot development on the west side of Linganore Road requires a sewage pump station and force main to convey effluent to the Lake Linganore collection system. The conceptual project development shows 8-inch gravity sewers within Westridge and Westridge North, which will collect and direct flows to the sewage pump station. The force main will eventually connect to the gravity system in the Woodridge Village, approximately one mile to the east, with ultimate treatment at the Ballenger-McKinney Waste Water Treatment Plant.

**STAFF RECOMMENDATION:**

The subject property is located within the Linganore Community Growth Area, and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.

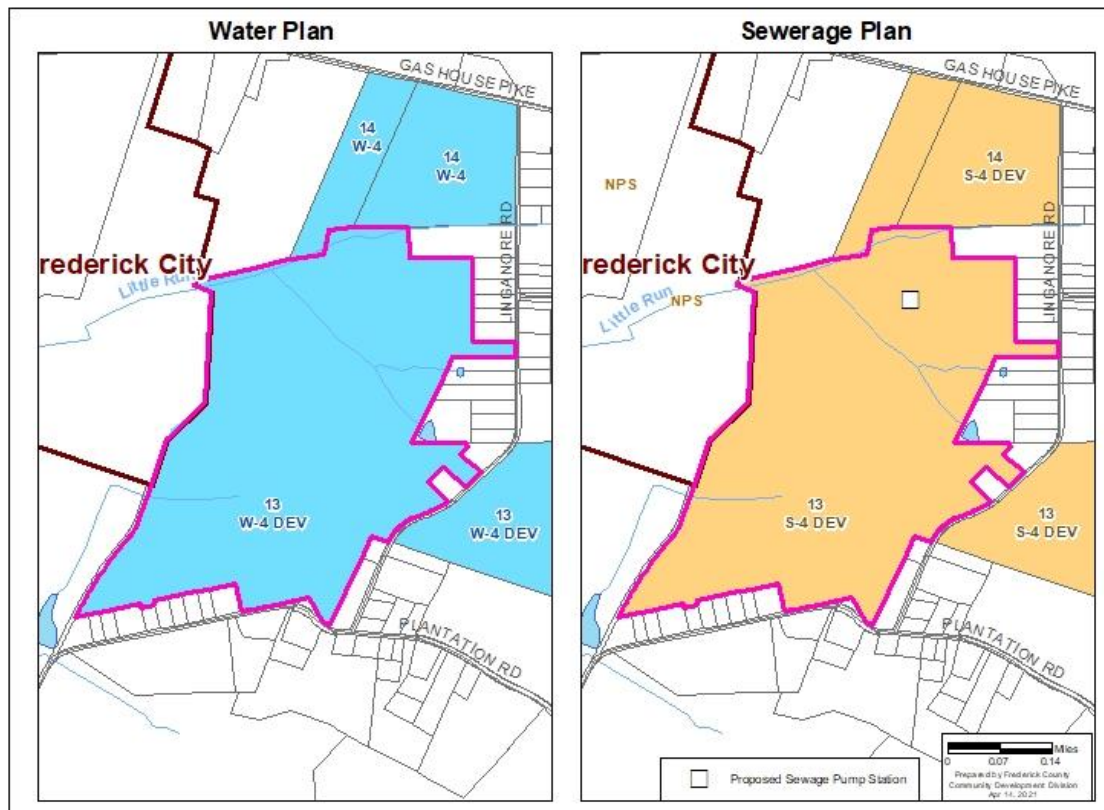
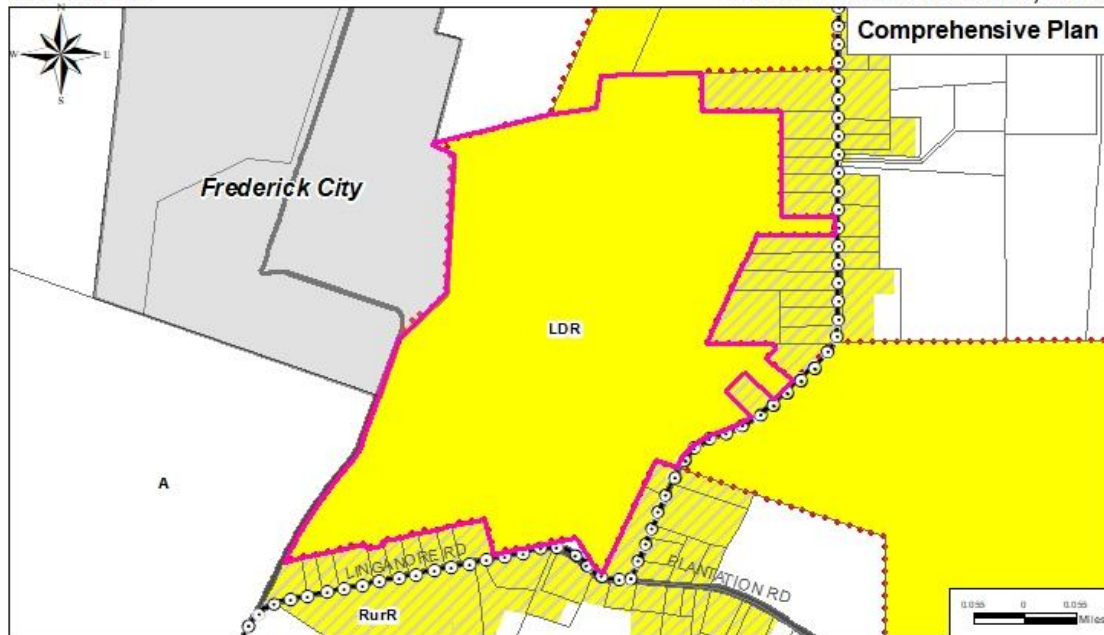






WS-21-21

Oakdale Investments, LLC



WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-22**

**APPLICANT:** Division of Planning and Permitting (Edgewood Church Industries, LLC)

**REQUEST:** Reclassification of 0.65 acres from W-5 to W-3

**LOCATION:** 5926 Yeagertown Road, 0.60 miles north of Old National Pike  
Tax Map 79, Parcel 193. Property Account#09-251480

Comprehensive Plan — Low Density Residential

Zoning — R-1 Residential

Development Status

The property is developed with a residential dwelling, constructed in the 1950's, that currently utilizes a private well and individual septic system.

Water & Sewerage Plan Status

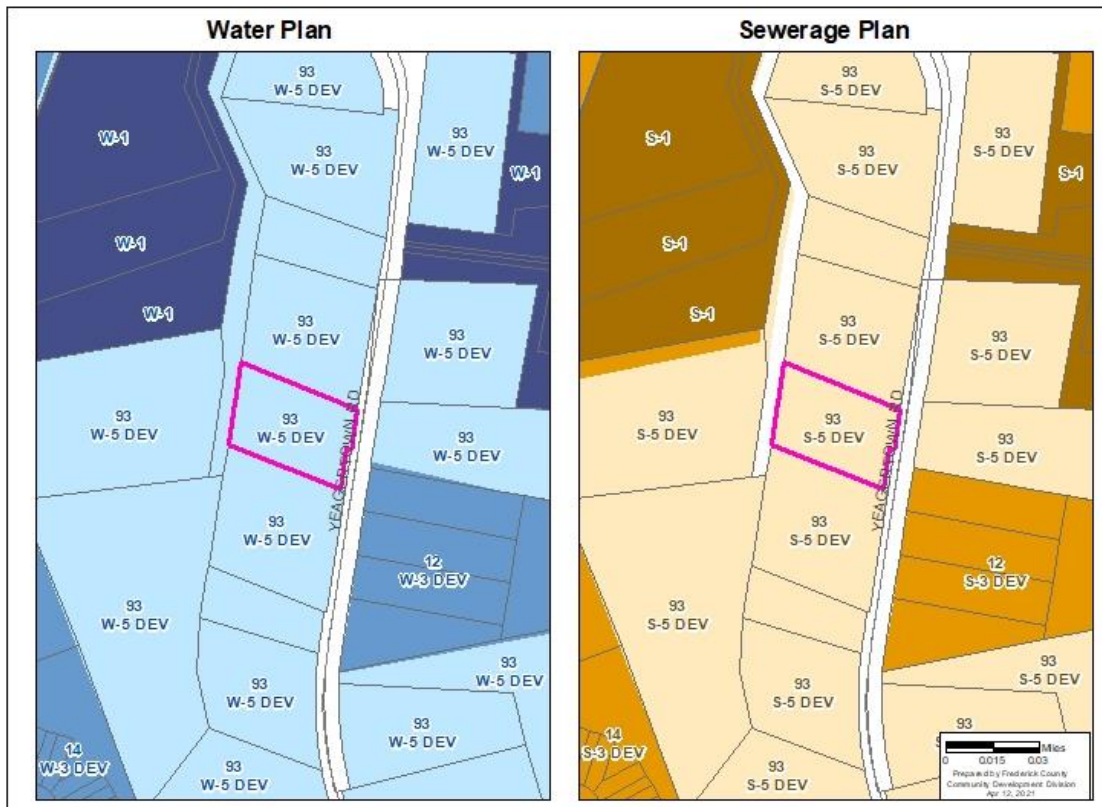
The existing on-site sewage disposal system is failing and in need of repair or replacement. Due to the small size of the parcel, the identified location for a new septic system encroaches into the setback for the private well, necessitating a connection to the 8-inch public water line present in Yeagertown Road to address this public health issue. Although the property is located in both a public water and sewer service area, the nearest sewer line is located over 500 feet from the subject property and not within a public easement or right-of-way.

**STAFF RECOMMENDATION:**

The subject property is located within the Linganore Community Growth Area, and a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Livable Frederick Master Plan.









WATER & SEWERAGE PLAN AMENDMENTS  
Spring 2021 Cycle

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**STAFF REPORT**

**Case # WS-21-23**

**APPLICANT:** Division of Planning and Permitting (State Highway Administration)

**REQUEST:** Reclassification of 26.8 acres from W-3, S-3 to W-5, S-5

**LOCATION:** South side of I-70, adjacent to the Harvest Ridge Community.  
Identified as State Highway Plat No. 43530 and Liber 901, Folio 304

Comprehensive Plan — Low Density Residential

Zoning — R-1 Residential

Development Status

The property has a small truck stop area, but no services or facilities. Overnight parking is prohibited, and the sole means of ingress and egress is from the Interstate Highway. The property has no vehicular access to or from the surrounding properties on Highboro Court or any street within the Harvest Ridge subdivision.

Water & Sewerage Plan Status

The subject property was included in a 1994 Water and Sewer Amendment (WS 94-24) that reclassified 222 acres with the adjacent Harvest Ridge Community; however, water and sewer service lines associated with the Samhill Water and Mill Bottom Subregional Systems were not extended into the property, and no service connections to structures on the property were ever made.

Section III (B)(3)(e) in Chapter 1 of the Water and Sewerage Plan allows the County to initiate applications to amend the Water and Sewerage Plan “*with regard to location of infrastructure generally or reclassification of properties to implement the Comprehensive Plan, or if the property no longer meets the requirements of its current classification.*”

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission make a finding that the proposed water and sewer classification of W-5, S-5 is consistent with the property’s land use designation and with the Livable Frederick Master Plan.

